

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

**CHAPTER 117
S.P. 480 - L.D. 1334**

**An Act To Ensure Continued
Access to Emergency
Information in the State by
Allowing Governments To
Build Federally Licensed
Television Translators**

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

Sec. 1. 30-A MRSA §910 is enacted to read:

§910. Broadcast television translator stations

A county may receive federal grants or contributions for the construction and operation of a broadcast television translator station as described in 47 Code of Federal Regulations, Section 74.732 (2008). Two or more counties may act jointly in performing the operations authorized by this section.

Sec. 2. 30-A MRSA §3109 is enacted to read:

§3109. Broadcast television translator stations

A municipality may receive federal grants or contributions for the construction and operation of a broadcast television translator station as described in 47 Code of Federal Regulations, Section 74.732 (2008). Two or more municipalities may act jointly in performing the operations authorized by this section.

See title page for effective date.

**CHAPTER 118
S.P. 132 - L.D. 390**

**An Act To Clarify Guaranteed
Fund Protection for Deferred
Compensation Accounts**

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

Whereas, current financial and economic conditions have raised concerns about the financial health of certain insurance companies that provide deferred compensation plans to State employees and other government employees; and

Whereas, this bill clarifies that individual deferred compensation accounts are protected through the Maine Life and Health Insurance Guaranty Association if a deferred compensation provider becomes insolvent; and

Whereas, immediate enactment of this Act is necessary for the protection of individuals with investments in governmental retirement benefit plans in the event of an insolvency; 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. 24-A MRSA §4603, sub-§2, ¶L, as enacted by PL 2005, c. 346, §2 and affected by §16, is amended to read:

L. Any unallocated annuity contract, except any annuity, whether allocated or unallocated, issued to a governmental retirement benefit plan established under the United States Internal Revenue Code, 26 United States Code, Section 401, 403(b) or 457; and

Sec. 2. 24-A MRSA §4603, sub-§3, ¶B, as enacted by PL 2005, c. 346, §2 and affected by §16, is amended to read:

B. With respect to one life, regardless of the number of policies or contracts:

(1) Three hundred thousand dollars in life insurance death benefits, but not more than \$100,000 in net cash surrender and net cash withdrawal values for life insurance;

(2) The following limits for health insurance benefits:

(a) Three hundred thousand dollars for coverages not defined as disability insurance or basic hospital, medical and surgical insurance or major medical insurance, including any net cash surrender and net cash withdrawal values;

(b) Three hundred thousand dollars for disability and long-term care insurance; or

(c) Five hundred thousand dollars for basic hospital, medical and surgical insurance or major medical insurance; or

(3) One hundred thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values; ~~or~~

Sec. 3. 24-A MRSA §4603, sub-§3, ¶C, as enacted by PL 2005, c. 346, §2 and affected by §16, is amended to read:

C. With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, \$100,000 in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values; and

Sec. 4. 24-A MRSA §4603, sub-§3, ¶D is enacted to read:

D. With respect to each individual participating in a governmental retirement benefit plan established under the United States Internal Revenue Code, 26 United States Code, Section 401, 403(b) or 457, or the beneficiaries of each individual if deceased, the financial interest of such participant allocated to an annuity contract by either the member insurer that issued the annuity or the plan, but not to exceed in the aggregate \$250,000 in present value of annuity benefits, including net cash surrender and net cash withdrawal values under all such annuities issued by the same member insurer.

Sec. 5. Application. This Act applies with respect to an insolvency of an insurance company that is a member of the Maine Life and Health Insurance Guaranty Association that occurs on or after the effective date of this Act.

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

Effective May 11, 2009.

**CHAPTER 119
H.P. 404 - L.D. 566**

**An Act To Amend the
Petroleum Market Share Act**

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

Sec. 1. 10 MRSA §1677, as amended by PL 2005, c. 155, §6, is further amended to read:

§1677. Report by Attorney General to Legislature

Annually by December 31st Every 2 years beginning April 1, 2010, the Attorney General shall make a report to the Legislature describing the concentration of retail outlets in the State or in sections of the State without disclosing the name of any particular retailer or retail outlet. The Attorney General shall include in the annual report a recommendation to the Legislature as to whether additional legislation is needed to further limit or curtail the activity of refiners operating retail outlets. In formulating a legislative recommendation, the Attorney General shall consult with industry stakeholders; notwithstanding this consultation re-

quirement, the substance of the recommendation is a matter for the Attorney General's sole discretion. Annually, beginning April 1, 2010, the Attorney General shall post on the Attorney General's publicly accessible website the aggregate data collected pursuant to this chapter.

See title page for effective date.

**CHAPTER 120
S.P. 260 - L.D. 685**

**An Act To Clarify the
Minimum Wage Exemption for
Summer Camp Counselors
Working at Day Camps**

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

Whereas, it is necessary that this legislation be enacted for the upcoming summer camp season in order to avoid undue financial and administrative hardships for seasonal camps and nonprofit recreation programs; 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. 26 MRSA §663, sub-§3, ¶F, as repealed and replaced by PL 1975, c. 92, is repealed and the following enacted in its place:

F. Those employees who are counselors or junior counselors or counselors-in-training at organized camps licensed under Title 22, section 2495 and those employees of organized camps and similar seasonal recreation programs not requiring such licensure that are operated as or by nonprofit organizations who are under 18 years of age;

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

Effective May 11, 2009.
