

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

writing the basis for the termination, the propriety of which may then be considered by the joint standing committee of the Legislature having jurisdiction over labor matters pursuant to subsection 5.

**Sec. 8. 5 MRSA §17924, sub-§2**, as amended by PL 2007, c. 491, §177, is further amended to read:

**2. Exception.** A member with fewer than 5 years of continuous creditable service ~~immediately~~ preceding that member's ~~application for a disability retirement benefit~~ last date in service is not eligible for ~~that~~ a disability retirement benefit if the disability is the result of a physical or mental condition that existed before the member's membership in a retirement program of the Maine Public Employees Retirement System, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of the member's employment.

**Sec. 9. 5 MRSA §18504, sub-§2**, as amended by PL 2007, c. 491, §244, is further amended to read:

**2. Exception.** A member with fewer than 5 years of continuous creditable service ~~immediately~~ preceding that member's ~~application for a disability retirement benefit~~ last date of service is not eligible for ~~that~~ a disability retirement benefit if the disability is the result of a physical or mental condition that existed before the member's ~~latest~~ membership in a retirement program of the Maine Public Employees Retirement System, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of the member's employment.

**Sec. 10. 5 MRSA §18511, sub-§2**, as amended by PL 1989, c. 878, Pt. B, §6, is further amended to read:

**2. Presumption.** ~~In participating local districts which have not adopted the disability retirement benefits enacted by Public Law 1975, chapter 622, section 54, and subsequent amendments, it~~ It is presumed that a member incurred a disability in the line of duty ~~which that~~ occurred while in actual performance of duty at some definite time and place and ~~which that~~ was not caused by the willful negligence of the member if:

A. The disability is the result of a cardiovascular injury ~~which that~~ occurred, or a cardiovascular or pulmonary disease ~~which that~~ developed, within 6 months of having participated in ~~fire-fighting fire-fighting~~ or in a training or drill ~~which that~~ involved ~~fire-fighting fire-fighting~~; and

B. The member was an active member of a municipal fire department or of a volunteer fire association, as defined in Title 30-A, section 3151, for

at least 2 years before the injury or the onset of the disease; ~~and.~~

~~C. The member has been granted workers' compensation benefits for the cardiovascular injury or disease or the pulmonary disease.~~

**Sec. 11. 5 MRSA §18524, sub-§2**, as amended by PL 2007, c. 491, §246, is further amended to read:

**2. Exception.** A member with fewer than 5 years of continuous creditable service ~~immediately~~ preceding that member's ~~application for a disability retirement benefit~~ last date of service is not eligible for ~~that~~ a disability retirement benefit if the disability is the result of a physical or mental condition that existed before the member's membership in a retirement program of the Maine Public Employees Retirement System, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of the member's employment.

**Sec. 12. Report.** The Maine Public Employees Retirement System shall submit a report on the implementation of the new processes established under this Act and indicate whether those processes have resulted in the elimination of the necessity of deposing the medical board created pursuant to the Maine Revised Statutes, Title 5, section 17106. The retirement system also shall report on whether the pre-Tidd v. MSRS Docket Number HOUSe-AP-06-001 decision status offers enough protection for members with a preexisting disability. The retirement system shall report to the Joint Standing Committee on Labor by January 10, 2010. After receipt and review of the report, the joint standing committee may report out a bill to the Second Regular Session of the 124th Legislature.

See title page for effective date.

## CHAPTER 323

### H.P. 667 - L.D. 965

#### An Act To Establish Annual Reporting for Genetically Engineered Crops

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

**Sec. 1. 7 MRSA §1051, sub-§4**, as enacted by PL 2007, c. 602, §3, is amended to read:

**4. Manufacturer.** "Manufacturer" means a person that produces or commercializes a genetically engineered plant part, seed or plant, not including a farm

operation ~~for the purposes of Title 17, section 2805 as defined in section 152, subsection 6.~~

**Sec. 2. 7 MRSA §1052, sub-§2-A** is enacted to read:

**2-A. Reporting.** A manufacturer selling genetically engineered plant parts, plants or seeds in the State shall annually report to the commissioner the total potential acreage at a given planting density of genetically modified crops that could be grown based on the amount of each genetically engineered product sold in the State. Individual manufacturer data received under this subsection is confidential and may not be made public. The commissioner shall make public aggregate data that does not reveal the sales activities of an individual manufacturer. The commissioner shall provide aggregate data on sales of genetically engineered trees, tree seedlings, tree seeds, tree scions and other propagative materials to the Department of Conservation, Bureau of Forestry.

See title page for effective date.

## CHAPTER 324

### S.P. 508 - L.D. 1405

#### An Act To Implement the Updates to Article 7 of the Uniform Commercial Code Suggested by the National Conference of Commissioners on Uniform State Laws

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

#### PART A

**Sec. A-1. 11 MRSA art. 7**, as amended, is repealed.

**Sec. A-2. 11 MRSA art. 7-A** is enacted to read:

#### ARTICLE 7-A

#### DOCUMENTS OF TITLE

##### PART 1

##### GENERAL

#### **§7-1101. Short title**

This Article may be known and cited as "the Uniform Commercial Code - Documents of Title."

#### **§7-1102. Definitions and index of definitions**

**(1).** In this Article, unless the context otherwise requires, the following terms have the following meanings.

(a). "Bailee" means a person that by a warehouse receipt, bill of lading or other document of title acknowledges possession of goods and contracts to deliver them.

(b). "Carrier" means a person that issues a bill of lading.

(c). "Consignee" means a person named in a bill of lading to which or to whose order the bill promises delivery.

(d). "Consignor" means a person named in a bill of lading as the person from which the goods have been received for shipment.

(e). "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

(f). "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(g). "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation.

(h). "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed or in any other respect the agent or employee violated the issuer's instructions.

(i). "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(j). "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(k). "Sign" means, with present intent to authenticate or adopt a record:

- (i) To execute or adopt a tangible symbol; or
- (ii) To attach to or logically associate with the record an electronic sound, symbol, or process.

(l). "Shipper" means a person that enters into a contract of transportation with a carrier.