

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

**Sec. 2. 29-A MRSA §2434, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Stay of suspension.** The court, on reasonable cause shown, may stay a suspension for a period not to exceed 4 hours from the time of sentencing and issue evidence of that stay, unless the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension, in which case the court may stay a suspension for up to 7 days.

See title page for effective date.

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**CHAPTER 82**

**H.P. 562 - L.D. 755**

**An Act To Strengthen the Laws Regarding Dangerous Dogs**

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

**Sec. 1. 7 MRSA §3952, sub-§1**, as corrected by RR 2009, c. 1, §9, is amended to read:

**1. Procedure.** Any person who is assaulted or threatened with imminent bodily injury by a dog or any person witnessing an assault or threatened assault against a person or domesticated animal or a person with knowledge of an assault or threatened assault against a minor, within 30 days of the assault or threatened assault, may make written complaint to the sheriff, local law enforcement officer or animal control officer that the dog is a dangerous dog. For the purposes of this chapter, "domesticated animal" includes, but is not limited to, livestock as defined in section 3907, subsection 18-A.

Upon investigation of the complaint, the sheriff, local law enforcement officer or animal control officer may issue a civil violation summons for keeping a dangerous dog.

If, upon hearing, the court finds that the dog is a dangerous dog as defined in section 3907, subsection 12-D, the court shall impose a fine and shall:

A. Order the dog confined in a secure enclosure except as provided in paragraph C or subsection 8. For the purposes of this paragraph, "secure enclosure" means a fence or structure of at least 6 feet in height forming or making an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner or

keeper, such as tethering the dangerous dog. The secure enclosure must be locked, be designed with secure top, bottom and sides and be designed to prevent the animal from escaping from the enclosure. The court shall specify the length of the period of confinement and may order permanent confinement; ~~or~~

B. Order the dog to be euthanized if it has killed, maimed or inflicted serious bodily injury upon a person or has a history of a prior assault- or a prior finding by the court of being a dangerous dog; or

C. Order the dog to be securely muzzled, restricted by a tether not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog's owner or keeper whenever the dog is off the owner's or keeper's premises.

The court may order restitution in accordance with Title 17-A, chapter 54 for any damages inflicted upon a person or a person's property.

**Sec. 2. 7 MRSA §3952, sub-§8**, as enacted by PL 2007, c. 170, §4, is amended to read:

**8. Restriction of movement outside of a secure enclosure.** An owner or keeper of a dog confined to a secure enclosure by a court under subsection 1, paragraph A or subsection 1-A, paragraph C may not allow the dog outside of the secure enclosure unless:

- A. It is necessary to obtain veterinary care for the dog or to comply with orders of the court; and
- B. The dog is securely muzzled, restrained by a tether not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog's owner or keeper.

See title page for effective date.

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**CHAPTER 83**

**S.P. 221 - L.D. 731**

**An Act To Terminate the Authorization of the Maine Self-Insurance Guarantee Association To Serve as a Statistical Advisory Organization for Self-insurers**

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

**Sec. 1. 24-A MRSA §2384-B, sub-§1**, as enacted by PL 1991, c. 885, Pt. B, §12 and affected by §13, is amended to read:

**1. Collection and reporting system.** The statistical advisory organization designated pursuant to section 2382-B, subsection 2 shall develop and file with

the superintendent a plan that includes a comprehensive data collection and reporting system for insurers. ~~The superintendent shall designate an organization to collect and report, to the extent applicable, the data for self insurers required by this section.~~ The purpose of the system is to permit the superintendent, in a timely manner, to analyze insurance rates and claims practices of insurers ~~and self insurers.~~

**Sec. 2. 24-A MRSA §2384-C, sub-§1,** as enacted by PL 1993, c. 610, §2, is amended to read:

**1. Collection and reporting system.** The superintendent shall adopt rules implementing a data collection system for the purpose of evaluating the costs and operation of the workers' compensation benefit delivery process. The rules must establish reasonable sampling procedures to identify and track a sufficient number of claims to provide reliable information in a cost-effective manner. The superintendent shall, by rule, establish a cost-effective procedure to designate organizations to collect and compile data for insurers ~~and self insurers,~~ except that an insurer able to demonstrate its ability to collect, compile and report data on its own claims is permitted to act as its own statistical organization for the purposes of this section. In this section, "statistical organization" includes an insurer acting as its own statistical organization.

**Sec. 3. 39-A MRSA §404, sub-§14,** as amended by PL 1993, c. 610, §3, is repealed.

See title page for effective date.

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**CHAPTER 84**

**S.P. 135 - L.D. 431**

**An Act To Require the Efficiency Maine Trust To More Effectively Administer Funds**

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

**Sec. 1. 35-A MRSA §10153, sub-§1, ¶B,** as enacted by PL 2009, c. 591, §1, is amended to read:

B. Involves a renewable energy installation ~~or~~ an electric thermal storage system or any heating equipment that meets or exceeds standards established or approved by the trust.

See title page for effective date.

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**CHAPTER 85**

**S.P. 216 - L.D. 727**

**An Act Relating to Indemnity Agreements in Motor Carrier Transportation Contracts**

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

**Sec. 1. 10 MRSA c. 215-A** is enacted to read:

**CHAPTER 215-A**

**MOTOR CARRIER TRANSPORTATION CONTRACTS**

**§1459. Indemnity agreement in motor carrier transportation contract void**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Motor carrier" has the same meaning as in Title 29-A, section 101, subsection 37.

B. "Motor carrier transportation contract" means a contract, agreement or understanding covering:

(1) The transportation of property for compensation by a motor carrier;

(2) Entrance on property by a motor carrier for the purposes of loading, unloading or transporting property for compensation; or

(3) A service incidental to an activity described in subparagraph (1) or (2), including, but not limited to, storage of property.

C. "Promisee" includes any agent, employee, servant or independent contractor who is directly responsible to the promisee. The term does not include a motor carrier that is party to a motor carrier transportation contract with the promisee and does not include that motor carrier's agent, employee, servant or independent contractor directly responsible to that motor carrier.

**2. Certain indemnity agreements void.** Notwithstanding any other provision of law, a provision, clause, covenant or agreement contained in, collateral to or affecting a motor carrier transportation contract that purports to indemnify, defend or hold harmless, or has the effect of indemnifying, defending or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this State and is void and unenforceable.