

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

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

Augusta, Maine
2011

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Sec. 3. 39-A MRSA §404, sub-§14, as amended by PL 1993, c. 610, §3, is repealed.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

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.

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.