

# 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**

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**Sec. 3. 39-A MRSA §404, sub-§14,** as amended by PL 1993, c. 610, §3, is repealed.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

**Sec. 2. Applicability.** This Act applies to motor carrier transportation contracts entered into or renewed on or after the effective date of this Act.

See title page for effective date.

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**CHAPTER 86**

**S.P. 240 - L.D. 796**

**An Act To Continue the Axle  
Fine Waiver during the  
Midwinter Season**

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

**Whereas,** there is an exception to axle fines during the midwinter season; and

**Whereas,** the section of law allowing an exception to axle fines is repealed September 15, 2011, which may be earlier than the effective date of laws enacted during the First Regular Session of the Legislature; 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. 29-A MRSA §2360-A, sub-§3,** as amended by PL 2009, c. 444, §1, is repealed.

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

Effective May 16, 2011.

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**CHAPTER 87**

**S.P. 279 - L.D. 891**

**An Act To Amend the Maine  
Consumer Credit Code  
Regarding Interest Charged on  
Deferred Payments**

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

**Sec. 1. 9-A MRSA §3-308, sub-§3,** as amended by PL 2001, c. 482, §1, is further amended to read:

**3.** A schedule of payments may provide for the deferral of the first periodic payment subsequent to any down payment for a period of not more than 12 months, except that interest or costs may not accrue in connection with the deferral of the first periodic payment if the deferral is for a period of time in excess of ~~90~~ 120 days;

See title page for effective date.

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**CHAPTER 88**

**S.P. 190 - L.D. 610**

**An Act To Clarify the  
Procedure by Which a Salvage  
Company May Apply for a  
Motor Vehicle Title**

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

**Sec. 1. 29-A MRSA §1851,** as amended by PL 2007, c. 150, §1, is further amended by adding at the end a new paragraph to read:

A vehicle left without a transferable title on the premises of an independent entity that temporarily stores a damaged or dismantled vehicle pursuant to an agreement with an insurance company, financial institution or dealer and that is engaged in the sale or resale of damaged or dismantled vehicles is subject to the provisions of section 1862.

**Sec. 2. 29-A MRSA §1862** is enacted to read:  
**§1862. Left with an independent entity**

**1. Release of vehicle.** An insurance company, financial institution or dealer may direct an independent entity that obtains possession of a vehicle to release the vehicle to the owner. The insurance company, financial institution or dealer shall provide the independent entity a release statement under subsection 2 authorizing the independent entity to release the vehicle to the vehicle's owner.

**2. Release statement.** A release statement authorizing an independent entity under subsection 1 to release a vehicle to a vehicle's owner must be on a form prescribed by the bureau and contain the following information:

A. The insurance policy and claim number relating to the vehicle;

B. The name and address of the insured owner of the vehicle;

C. The vehicle identification number and description of the vehicle; and