

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

**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**  
**2013**

least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts must be drawn within the municipal boundaries. Any population remainder within the municipality must be included in a district drawn to cross the municipal boundary, ~~provided that as long as the population remainder within the municipality is contiguous to another municipality or municipalities included in the district. Any county which~~ that already meets the standards and guidelines for equally populated districts, as established by this section, the Constitution of Maine and the Constitution of the United States, need not be reapportioned.

B. Interested parties from each county may submit redistricting plans for the commission to consider. Those plans must be submitted to the commission no later than 30 calendar days after the commission is called together by the Speaker of the House under this subsection. The commission may hold public hearings on plans affecting each county.

C. The commission shall submit its plan to the Clerk of the House no later than ~~120 calendar days after the commission is called together by the Speaker of the House under this subsection~~ June 1st of the year in which reapportionment is required. The Clerk of the House shall submit to the Legislature, no later than January 15, ~~1984~~ 2022, and every 10th year thereafter, one legislative document to reapportion the county commissioner districts based on the plan submitted by the apportionment commission. The Legislature must enact the submitted plan or a plan of its own in regular or special session by a vote of 2/3 of the members of each House within 30 calendar days after the plan is submitted to it by the Clerk of the House. This action is subject to the Governor's approval, as provided in the Constitution of Maine, Article IV, Part Third, Section 2.

See title page for effective date.

**CHAPTER 86**

**H.P. 492 - L.D. 720**

**An Act To Eliminate Sales Tax Exemptions for Snowmobiles and All-terrain Vehicles Purchased by Nonresidents for Use in the State**

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

**Sec. 1. 12 MRSA §13003, sub-§2, ¶A**, as affected by PL 2003, c. 614, §9 and amended by c. 695, Pt. B, §9 and affected by Pt. C, §1, is further amended to read:

A. The person registering the snowmobile or ATV is not a resident of this State. ~~Nonresidents are exempt from sales or use tax on snowmobiles under Title 36, section 1760, subsection 25-B and on ATVs under Title 36, section 1760, subsection 25-A;~~

**Sec. 2. 36 MRSA §1760, sub-§23-C, ¶A**, as amended by PL 2005, c. 618, §2, is further amended to read:

A. Motor vehicles, except:

(1) Automobiles rented for a period of less than one year; ~~and~~

~~(2) All terrain vehicles and snowmobiles as defined in Title 12, section 13001;~~

**Sec. 3. 36 MRSA §1760, sub-§25-A**, as amended by PL 2007, c. 438, §40, is repealed.

**Sec. 4. 36 MRSA §1760, sub-§25-B**, as amended by PL 2007, c. 438, §41, is repealed.

**Sec. 5. Effective date.** This Act takes effect October 1, 2013.

Effective October 1, 2013.

**CHAPTER 87**

**H.P. 512 - L.D. 761**

**An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws**

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

**Sec. 1. 39-A MRSA §401, sub-§1, ¶C**, as amended by PL 2001, c. 235, §2, is repealed and the following enacted in its place:

C. Employers of agricultural or aquacultural laborers, if the employer maintains an employer's liability insurance policy with total limits of not less than \$100,000 multiplied by the number of full-time equivalent agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than \$5,000, and either:

(1) The employer has 6 or fewer concurrently employed agricultural or aquacultural laborers; or

(2) The employer has more than 6 agricultural or aquacultural laborers but the total

number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 at any time during the 52 weeks immediately preceding an injury.

For purposes of this paragraph, seasonal and casual workers, immediate family members of unincorporated employers and immediate family members of bona fide owners of at least 20% of the voting stock of an incorporated employer are not considered agricultural or aquacultural laborers. "Immediate family members" means parents, spouses, brothers, sisters and children and the spouses of parents, brothers, sisters and children.

See title page for effective date.

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**CHAPTER 88**

**H.P. 117 - L.D. 142**

**An Act To Add Using an All-terrain Vehicle to the List of Activities Included in the Definition of "Guide" in the Inland Fisheries and Wildlife Laws**

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

**Sec. 1. 12 MRSA §10001, sub-§28**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**28. Guide.** "Guide" means a person who receives any form of remuneration for that person's services in accompanying or assisting a person in the fields; or forests or on the waters or ice within the jurisdiction of the State while hunting, fishing, trapping, boating, snowmobiling, using an all-terrain vehicle or camping at a primitive camping area.

See title page for effective date.

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**CHAPTER 89**

**H.P. 135 - L.D. 160**

**An Act To Amend the Laws Pertaining to Archaeological Sites**

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

**Sec. 1. 27 MRSA §372, sub-§3** is enacted to read:

**3. Consultation with federally recognized Indian tribes.** In recognition of the interests of the federally recognized Indian tribes in this State in their

archaeological heritage and in accordance with the requirements of federal law, including the National Historic Preservation Act of 1996, as amended, and the federal Native American Graves Protection and Repatriation Act, the Maine Historic Preservation Commission and the State Museum shall consult with federally recognized Indian tribes in this State concerning adequate and appropriate curation of archaeological materials excavated from protected sites.

**Sec. 2. 27 MRSA §373-A, sub-§7-A** is enacted to read:

**7-A. Protected site.** "Protected site" means a site that is:

A. On or under state-controlled land and is:

(1) Listed in the National Register of Historic Places or judged eligible for national register listing by the Maine Historic Preservation Commission and, if the area is judged eligible for listing, the site designation is approved by the appropriate land managing agency director or local governing body; and

(2) Posted;

B. The subject of a preservation agreement between the landowner or landowners and the Maine Historic Preservation Commission pursuant to Title 33, section 1551 and is:

(1) Listed in the National Register of Historic Places; and

(2) Posted; or

C. Subject to section 378.

**Sec. 3. 27 MRSA §373-A, sub-§8**, as amended by PL 1999, c. 748, §1, is further amended to read:

**8. Site.** "Site" means an area containing archaeological artifacts or materials or other evidence of habitation, occupation or other use by historic or prehistoric people, and which is either:

A. On or under state controlled land and is:

(1) Listed in the National Register of Historic Places or judged eligible for national register listing by the Maine Historic Preservation Commission and, if the area is judged eligible for listing, the site designation is approved by the appropriate land managing agency director or local governing body; and

(2) Posted;

B. The subject of a preservation agreement between the landowner or landowners and the Maine Historic Preservation Commission, pursuant to Title 33, section 1551 and is: