

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

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

CHAPTER 94
H.P. 445 - L.D. 653

**An Act To Remove an
Unnecessary Provision in the
Maine Insurance Code**

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

Sec. 1. 24-A MRSA §5002-B, sub-§2-A, as amended by PL 2005, c. 401, Pt. C, §7, is repealed.

See title page for effective date.

CHAPTER 95
H.P. 205 - L.D. 296

**An Act To Equalize the Fire
Investigation and Prevention
Tax Paid by Insurers**

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

Sec. 1. 25 MRSA §2399, 2nd ¶, as amended by PL 1997, c. 728, §22, is further amended to read:

Every fire insurance company or association that does business or collects premiums or assessments in the State shall pay to the State Tax Assessor, in addition to the taxes now imposed by law to be paid by those companies or associations, 1.4% of the gross direct premiums for fire risks written in the State, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums. The Department of Professional and Financial Regulation, Bureau of Insurance shall determine every 5 years the basis percentage of fire risk allocated to each line of insurance, and every fire insurance company or association shall pay the 1.4% tax based on that basis allocation. That tax must be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A, except that the tax prescribed by this section must be paid on an estimated basis at the end of each month starting July 31, 1998, with each installment equal to at least 1/12 of the estimated total tax to be paid for the current calendar year. The State Tax Assessor shall pay over all receipts from that tax to the Treasurer of State daily. Of these funds 75.7% must be used to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventive and investigative laws and rules and in educating the public in fire safety and is appropriated for those purposes and to carry out the administration and duties of the Office of the State Fire Marshal. Of these funds 24.3% must be used to defray the expenses

of the fire training and education program as established in Title 20-A, chapter 319.

See title page for effective date.

CHAPTER 96
H.P. 614 - L.D. 887

**An Act To Repeal a Specialized
Form of the Generic Crime of
Theft by Unauthorized Taking
or Transfer**

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

Sec. 1. 8 MRSA §1055, as enacted by PL 2011, c. 585, §13, is repealed.

Sec. 2. 17-A MRSA §353-A, as enacted by PL 2011, c. 585, §14, is repealed.

See title page for effective date.

CHAPTER 97
H.P. 61 - L.D. 78

**An Act To Expand
Transitional Assistance for
Families**

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

Sec. 1. 22 MRSA §3762, sub-§8, ¶B, as amended by PL 2009, c. 291, §6, is further amended to read:

B. The department shall provide limited transitional transportation benefits to meet employment-related costs to ASPIRE-TANF program participants who lose eligibility for TANF assistance due to employment. The department may also make transitional transportation benefits available to families in which one or both adults are working and who, although they remain financially eligible for TANF benefits, request that their benefits be terminated. Benefits may be provided for up to 12 months following loss of TANF eligibility. The department may adopt rules that impose a weekly limit on available transitional transportation benefits and that require a contribution from each participant toward the cost of transportation.

Sec. 2. Rules on transitional transportation assistance. The Department of Health and Human Services shall amend the rules on transitional transportation assistance for families who lose eligibility for benefits under the Temporary Assistance for

Needy Families program due to increased employment income. The amended rules must allow those families up to one year after termination from TANF assistance to apply for transitional transportation assistance. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 98

H.P. 123 - L.D. 148

An Act To Amend the Laws Governing Pharmacy Interns

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

Sec. 1. 32 MRSA §13834, sub-§1, as amended by PL 2011, c. 577, §7, is further amended to read:

1. Delegate authority. A pharmacist may not delegate the pharmacist's authority to administer drugs or vaccines; except that a pharmacist licensed under this chapter who has obtained a certificate of administration pursuant to section 13832 may delegate the authority to administer drugs and vaccines to a pharmacy intern who is under that pharmacist's direct supervision and who has obtained drug administration training pursuant to section 13832, subsection 3. A pharmacy intern may administer drugs and vaccines only to a person 18 years of age or older.

See title page for effective date.

CHAPTER 99

H.P. 41 - L.D. 46

An Act To Protect Maine Business Names

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

Sec. 1. 13-B MRSA §302-A, sub-§1, as enacted by PL 2003, c. 344, Pt. B, §11, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a corporate name, including an assumed or fictitious name, by executing and delivering for filing as provided in section 106 an application to the Secretary of State. The application must be executed by a duly authorized person and must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the corporate name applied for is available, the Secretary of State shall reserve the name

for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 2. 13-C MRSA §402, sub-§1, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a corporate name, including an assumed or fictitious name, by delivering for filing an application to the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the corporate name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 3. 31 MRSA §804-A, sub-§1, as enacted by PL 2003, c. 344, Pt. C, §37, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a limited liability partnership name, including an assumed or fictitious name, by executing and delivering for filing an application to the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the limited liability partnership name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 4. 31 MRSA §1309, sub-§1, ¶B, as enacted by PL 2005, c. 543, Pt. C, §2, is amended to read:

B. If the Secretary of State finds that the limited partnership name applied for is distinguishable on the records of the Secretary of State pursuant to section 1308, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 5. 31 MRSA §1509, sub-§1, as enacted by PL 2009, c. 629, Pt. A, §2 and affected by §3, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a limited liability company name, including an assumed or fictitious name, by executing