

# 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**

fers as defined in the federal Electronic Fund Transfer Act become effective in February 2013; and

**Whereas**, as a result of the amendments to the federal Electronic Fund Transfer Act, a fund transfer initiated by a remittance transfer is entirely outside the coverage of the Uniform Commercial Code, Article 4-A and the federal Electronic Fund Transfer Act; 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. 11 MRSA §4-1102**, as enacted by PL 1991, c. 812, §2, is amended to read:

**§4-1102. Subject matter**

Except as otherwise provided in section ~~4-1108~~ ~~4-1109~~, this Article applies to funds transfers defined in section 4-1104.

**Sec. 2. 11 MRSA §4-1108**, as enacted by PL 1991, c. 812, §2, is repealed.

**Sec. 3. 11 MRSA §4-1109** is enacted to read:

**§4-1109. Relationship to federal Electronic Fund Transfer Act**

(1). Except as provided in subsection (2), this Article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978, Title XX, Public Law 95-630, 92 Stat. 3728, 15 United States Code, Section 1693 et seq., as amended.

(2). This Article applies to a funds transfer that is a remittance transfer as defined in the Electronic Fund Transfer Act of 1978, Title XX, Public Law 95-630, 92 Stat. 3728, 15 United States Code, Section 1693 et seq., as amended, unless the remittance transfer is an electronic fund transfer as defined in the Electronic Fund Transfer Act of 1978, Title XX, Public Law 95-630, 92 Stat. 3728, 15 United States Code, Section 1693 et seq., as amended.

(3). In a funds transfer to which this Article applies, in the event of an inconsistency between an applicable provision of this Article and an applicable provision of the Electronic Fund Transfer Act of 1978, Title XX, Public Law 95-630, 92 Stat. 3728, 15 United States Code, Section 1693 et seq., as amended, the provision of the Electronic Fund Transfer Act governs to the extent of the inconsistency.

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

Effective May 24, 2013.

**CHAPTER 152**

**S.P. 327 - L.D. 949**

**An Act To Ensure the Proportional Offset against Retirement Benefits of Workers' Compensation Awards**

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

**Sec. 1. 39-A MRSA §221, sub-§3, ¶A**, as amended by PL 1995, c. 76, §1, is further amended to read:

A. The employer's obligation to pay or cause to be paid weekly benefits other than benefits under section 212, subsection 2 or 3 is reduced by the following amounts:

(1) Fifty percent of the amount of the old-age insurance benefits received or being received under the United States Social Security Act. For injuries occurring on or after October 1, 1995, such a reduction may not be made if the old-age insurance benefits had started prior to the date of injury or if the benefits are spouse's benefits;

(2) The after-tax amount of the payments received or being received under a self-insurance plan or a wage continuation plan or under a disability insurance policy provided by the same employer from whom benefits under section 212 or 213 are received if the employee did not contribute directly to the plan or to the payment of premiums regarding the disability insurance policy. If the self-insurance plans, wage continuation plans or disability insurance policies are entitled to repayment in the event of a workers' compensation benefit recovery, the insurance carrier shall satisfy the repayment out of funds the insurance carrier has received through the coordination of benefits provided for under this section;

(3) The proportional amount, based on the ratio of the employer's contributions to the total insurance premiums for the policy period involved, of the after-tax amount of the payments received or being received by the employee pursuant to a disability insurance policy provided by the same employer from

whom benefits under section 212 or 213 are received, if the employee did contribute directly to the payment of premiums regarding the disability insurance policy;

~~(4) The after tax amount of the pension or retirement payments received or being received pursuant to a plan or program established or maintained by the same employer from whom benefits under section 212 or 213 are received, if the employee did not contribute directly to the pension or retirement plan or program;~~

(5) The proportional amount, based on the ratio of ~~the that~~ employer's contributions to the total contributions to the plan or program, of the after-tax amount of the pension or retirement payments received or being received by the employee pursuant to a plan or program established or maintained by the same employer from whom benefits under section 212 or 213 are received, ~~if the employee did not contribute~~ regardless of whether the employee contributed directly to the pension or retirement plan or program; and

(6) For those employers who do not provide a pension plan, the proportional amount, based on the ratio of the employer's contributions to the total contributions made to a qualified profit sharing plan under the United States Internal Revenue Code, Section 401(a) or any successor to the United States Internal Revenue Code, Section 401(a) covering a profit sharing plan that provides for the payment of benefits only upon retirement, disability, death, or other separation of employment to the extent that benefits are vested under the plan.

See title page for effective date.

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**CHAPTER 153**

**H.P. 324 - L.D. 474**

**An Act To Provide for Edible Landscaping in a Portion of Capitol Park**

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

**Sec. 1. 3 MRSA §902, sub-§1-B** is enacted to read:

**1-B. Edible landscaping.** The commission shall arrange for and oversee the development and implementation of a plan to incorporate food-producing plants, shrubs or trees into the landscaping of a portion of Capitol Park. Use of edible landscaping must be

consistent with the overall plan for the park under section 902-A, subsection 2 and is subject to available funding for the park.

See title page for effective date.

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**CHAPTER 154**

**S.P. 229 - L.D. 639**

**An Act To Require Payment Quotes in Service Contracts for the Harvesting and Hauling of Wood**

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

**Sec. 1. 10 MRSA §2363-A, sub-§2**, as enacted by PL 1983, c. 804, §6, is amended to read:

**2. Weight scale.** ~~Where~~ When agreed upon by the parties, weight measurement may be used in all wood transactions, ~~provided that~~ under the following conditions:

A. The weight measurement ~~shall~~ may not be converted to volume;

B. ~~Where~~ When payment is made for services harvesting wood, all weight measurements ~~shall~~ must be expressed on a green wood basis. Except as otherwise provided by the state sealer, when the wood is not, or will not be, weighed within 15 days of felling, the person performing the services may, prior to hauling, require that the wood instead be measured by butt measure, or other authorized method of measurement; ~~and~~

C. ~~All sales~~ Sales of wood chips may be based on oven-dried weight, except ~~where~~ when payment is made for harvesting wood;

D. When a service contract for harvesting wood requires payment on a per tonnage basis, the contracting party must notify the contractor of the price per ton to be paid under the contract prior to the contractor's providing the harvesting service; and

E. For service contracts for hauling wood, the contracting party must notify the contractor of the price per ton to be paid under the contract prior to the contractor's providing the hauling service.

Notification required under this subsection must be made in writing. Written notification may be communicated by United States mail, private courier or electronic means, including, but not limited to, e-mail and fax transmission.

See title page for effective date.

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