

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.

Augusta, Maine
2013

Sec. 11. 12 MRSA §8867-E, sub-§1, as enacted by PL 2011, c. 599, §5 and amended by c. 657, Pt. W, §7, is further amended to read:

1. Regulation. In accordance with section 685-A, subsection 14, beginning November 1, 2012, the director of the division shall administer and enforce the regulation of construction, maintenance and repair of land management roads, water crossings by land management roads and gravel pits of less than 5 acres in areas designated as protection districts and management districts by the commission.

Sec. 12. P&SL 1989, c. 108, §4, as amended by P&SL 2003, c. 11, §1, is further amended to read:

Sec. 4. Location of the reserve. The reserve is located in the Town of Wells and includes lands between the Little River to the north and the Ogunquit River to the south. The boundary to the east parallels the shoreline, excluding the shoreline development, and to the west includes lands adjacent to the Wells coastal wetlands and within the drainage basins of their tributary streams. Specifically, the reserve contains:

1. Lands in the Rachel Carson National Wildlife Refuge managed by the United States Fish and Wildlife Service;
2. Land purchased or acquired for a state park managed by the Department of Agriculture, Conservation and Forestry;
3. Submerged tidal lands managed by the Department of Agriculture, Conservation and Forestry;
4. Land purchased by the Town of Wells or the State;
5. Land donated by the Town of Wells to the Department of Agriculture, Conservation and Forestry as a conservation easement; and
6. Other lands or interests in land in the location described in this section acquired by the reserve from willing sellers or added to the reserve by agreement for the purpose of furthering the reserve's conservation, research or educational programs.

Sec. 13. P&SL 1989, c. 108, §6, sub-§5, as amended by P&SL 2003, c. 11, §2, is repealed.

Sec. 14. P&SL 1989, c. 108, §6, sub-§5-A is enacted to read:

5-A. Within 6 months after the close of its fiscal year, the authority shall provide a copy of its financial statements, audited by an independent auditor selected by the authority, to the Commissioner of Agriculture, Conservation and Forestry and any other state agency that requests them. The audited financial statements must comply with federal Office of Management and Budget requirements.

Sec. 15. P&SL 1989, c. 108, §7, sub-§1 is amended to read:

1. The Commissioner of Agriculture, Conservation and Forestry, or the commissioner's designee;

Sec. 16. P&SL 1989, c. 108, §7, sub-§5, ¶A is amended to read:

- A. The Director of the ~~State Planning Office~~ or ~~the director's designee~~ Maine Coastal Program; and

Sec. 17. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 12, section 683-A, subsection 4, members initially appointed to the Maine Land Use Planning Commission after January 2013 are appointed to staggered terms. The member initially appointed by the Governor serves a term of one year. The members initially appointed by the boards of county commissioners serve as follows: the member initially appointed by the board of county commissioners of the county with the highest acreage of unorganized and deorganized areas serves a term of one year; the member initially appointed by the board of county commissioners of the county with the 2nd-highest acreage of unorganized and deorganized areas serves a term of one year; the member initially appointed by the board of county commissioners of the county with the 3rd-highest acreage of unorganized and deorganized areas serves a term of 2 years; the member initially appointed by the board of county commissioners of the county with the 4th-highest acreage of unorganized and deorganized areas serves a term of 2 years; the member initially appointed by the board of county commissioners of the county with the 5th-highest acreage of unorganized and deorganized areas serves a term of 3 years; the member initially appointed by the board of county commissioners of the county with the 6th-highest acreage of unorganized and deorganized areas serves a term of 3 years; the member initially appointed by the board of county commissioners of the county with the 7th-highest acreage of unorganized and deorganized areas serves a term of 4 years; the member initially appointed by the board of county commissioners of the county with the least acreage of unorganized and deorganized areas serves a term of 4 years.

See title page for effective date.

CHAPTER 257

H.P. 715 - L.D. 1017

An Act Relating to Employee Leasing Company Registration

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

Sec. 1. 32 MRSA §14051, sub-§5, as enacted by PL 1991, c. 468, §4, is amended to read:

5. Superintendent. "Superintendent" means the Superintendent of ~~Insurance~~ Consumer Credit Protection.

Sec. 2. 32 MRSA §14054, sub-§2, as enacted by PL 1991, c. 468, §4, is repealed and the following enacted in its place:

2. Treatment of fees. Fees provided for by this chapter are appropriated for the use of the Bureau of Consumer Credit Protection. Any balance of these funds does not lapse but must be carried forward to be expended for the same purpose in the following year.

Sec. 3. 32 MRSA §14055, sub-§1, ¶B, as amended by PL 1991, c. 885, Pt. E, §42 and affected by §47, is further amended to read:

B. The ~~superintendent~~ Superintendent of Insurance shall adopt rules governing the provision of workers' compensation insurance as required by Title 39-A, chapter 9 for workers provided by an employee leasing company to any client company. These rules must be consistent with subsection 2 and reflect consideration of the needs and operational efficiencies of employee leasing companies and the costs to the workers' compensation system. If either the employee leasing company or the client company has secured the payment of compensation in conformity with former Title 39, chapter 1 or Title 39-A, chapter 9, the immunity from liability described in that chapter extends to and is binding on the client company, the employee leasing company, all employees leased to any client company and any other employees of the employee leasing company or the client company. An employee leasing company is not responsible for securing the payment of compensation in conformity with Title 39-A nor deprived of the defenses listed in Title 39-A, section 103 with respect to those persons for whom the provision of benefits is not required under Title 39-A in the absence of an employee leasing arrangement.

Sec. 4. 32 MRSA §14055, sub-§2, ¶A, as amended by PL 1991, c. 885, Pt. E, §43 and affected by §47, is further amended to read:

A. Under rules adopted pursuant to subsection 1, paragraph B, the ~~superintendent~~ Superintendent of Insurance may provide a determination of the circumstances and conditions, if any, under which an employee leasing company may be the policyholder of a workers' compensation insurance policy providing coverage to employees leased to client companies. Additionally or alternatively, the ~~superintendent~~ Superintendent of Insurance may require by rule that:

(1) The employee leasing company purchase separate policies through the Maine Employers' Mutual Insurance Company, established pursuant to Title 24-A, section 3703, for client companies subject to Title 39-A; and

(2) The policies be assigned to one servicing carrier and, to the extent practical, administered on a unified basis. The ~~superintendent~~ Superintendent of Insurance also may provide by rule that the employee leasing company or the President of the Maine Employers' Mutual Insurance Company request from the ~~superintendent~~ Superintendent of Insurance a waiver of a rule adopted pursuant to this subparagraph if it is impractical for one servicing carrier to service all the client companies of an employee leasing company.

Sec. 5. 32 MRSA §14055, sub-§5, as amended by PL 1997, c. 29, §2, is further amended to read:

5. Disclosure. The employee leasing company shall disclose to client companies services to be rendered, including costs, and the respective rights and obligations of the parties prior to entering into or receiving a leasing arrangement. This disclosure must include a statement that the client company may take complaints to the Bureau of ~~Insurance~~ Consumer Credit Protection.

Sec. 6. 32 MRSA §14059 is enacted to read:

§14059. Rules

The superintendent may adopt rules to administer the provisions of this chapter for the protection of client companies, including rules regarding the ability of the Bureau of Consumer Credit Protection to receive and respond to complaints. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 258

S.P. 359 - L.D. 1042

An Act To Increase the Opportunities for Taste-testing Events for On-premises Liquor Licensees

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

Sec. 1. 28-A MRSA §1051, sub-§8 is enacted to read:

8. Liquor taste-testing events for general public on retail licensee's premises. The bureau may