

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**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**  
**2015**

cides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property. "Commercial applicator" also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state or local governments.

**Sec. 3. 22 MRSA §1471-C, sub-§11-A**, as enacted by PL 1981, c. 374, §2, is repealed.

**Sec. 4. 22 MRSA §1471-C, sub-§§16-C, 23-A and 23-C**, as enacted by PL 1983, c. 819, Pt. A, §41, are repealed.

**Sec. 5. 22 MRSA §1471-D, sub-§2-A**, as enacted by PL 1981, c. 374, §3, is repealed.

**Sec. 6. 22 MRSA §1471-D, sub-§2-B**, as enacted by PL 1983, c. 819, Pt. A, §43, is repealed.

**Sec. 7. 22 MRSA §1471-D, sub-§5**, as amended by PL 1983, c. 819, Pt. A, §45, is further amended to read:

**5. Issuance.** ~~No~~ A license or certification may ~~not~~ be issued by the board, unless the board determines that the standards for licensing and certification have been met as to those categories for which the applicant has applied and qualified. ~~In the case of the spotter and monitor, the board shall set minimal proficiency requirements with the understanding that the board may choose to change these standards from time to time. The enforcement personnel of the Board of Pesticides Control shall be certified to meet at least the minimal proficiency requirements required of spotters and monitors.~~ If a license or certification is not issued as applied for, the board shall provide written notice to the applicant of the reasons therefor. The license or certificate may be issued upon such terms and conditions as the board ~~deems~~ considers necessary for the protection of the public health, safety and welfare, and for enforcement and administration of this chapter and the rules ~~promulgated~~ adopted pursuant to this chapter.

**Sec. 8. 22 MRSA §1471-D, sub-§6**, as amended by PL 1997, c. 454, §8, is further amended to read:

**6. Renewal.** Licenses for commercial applicators, ~~government pesticide supervisors, spotters, monitors,~~ spray contracting firms, pesticide dealers and private applicators are valid for such period as prescribed by the board by rule. Application for renewal must be accompanied by such reasonable fee as the board may by rule require. The board may, by rule, require that such renewal application include reexamination or other procedures designed to assure a continuing level of competence to distribute, use or supervise the use of pesticides safely and properly.

If the board fails to renew a license upon application of the licensee or certificate holder, it shall afford the licensee or certificate holder an opportunity for a hear-

ing in conformity with Title 5, chapter 375, subchapter IV ~~4~~.

**Sec. 9. 22 MRSA §1471-M, sub-§1, ¶A**, as amended by PL 1981, c. 374, §8, is further amended to read:

A. Establish categories, and where applicable subcategories, of commercial pesticide applicators ~~and government pesticide supervisors~~ depending upon the nature and extent of the pesticide use, the type of pesticide equipment, the degree of knowledge or skill required in their application and such other factors as the board ~~deems~~ considers relevant, ~~provided that as long as such categories shall be~~ are consistent with, but not limited to, the categories established by the United States Environmental Protection Agency;

**Sec. 10. 22 MRSA §1471-M, sub-§1, ¶E**, as amended by PL 1983, c. 819, Pt. A, §52, is further amended to read:

E. Establish guidelines and requirements for reporting of information by commercial applicators, pesticide dealers; and spray contracting firms ~~and monitors~~ to the board; and

**Sec. 11. 22 MRSA §1471-M, sub-§1, ¶F**, as enacted by PL 1981, c. 374, §9, is repealed.

**Sec. 12. 22 MRSA §1471-M, sub-§1, ¶G**, as enacted by PL 1983, c. 819, Pt. A, §53, is repealed.

**Sec. 13. 22 MRSA §1471-R**, as enacted by PL 1983, c. 819, Pt. A, §54 and amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is repealed.

**Sec. 14. 22 MRSA §§1471-S and 1471-T**, as enacted by PL 1983, c. 819, Pt. A, §54, are repealed.

See title page for effective date.

## CHAPTER 59

### S.P. 338 - L.D. 958

#### An Act To Amend the Laws Relating to Group Trusts Established by Self-insurers of Workers' Compensation Benefits

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

**Sec. 1. 39-A MRSA §403, sub-§9**, as amended by PL 2013, c. 172, §2, is repealed and the following enacted in its place:

**9. Acceptable deposit funds or investments for trust funds.** The following requirements apply to

assets deposited or held in trust as security for an individual or group self-insurer under this section.

A. In addition to cash, the deposit funds or permissible investments for trust funds acceptable to the Superintendent of Insurance as a security deposit are:

(1) Bonds, notes and bills that are issued by and are the direct obligation of the United States Treasury;

(2) Bonds issued or guaranteed by United States government agencies;

(3) Commercial paper rated as "P-1" by Moody's Investors Service, Inc. or "A-1" or better by Standard and Poor's Corporation or the rating equivalent of either by any other nationally recognized statistical rating agency;

(4) Money market funds rated "AAM" or "AAM-G" or better by Standard and Poor's Corporation or the rating equivalent of any other nationally recognized statistical rating agency;

(5) Certificates of deposit issued by a duly chartered commercial bank or thrift institution in the State protected by the Federal Deposit Insurance Corporation if the bank or institution possesses assets of at least \$100,000,000 and maintains a Tier 1 capital ratio equal to or greater than 6%;

(6) Bonds that are issued by corporations or municipalities and that are rated "A2" or better by Moody's Investors Service, Inc. or "A" or better by Standard and Poor's Corporation or the rating equivalent of either by any other nationally recognized statistical rating agency; and

(7) Other investments specifically approved by the superintendent.

B. Investments must be diversified in a prudent manner to ensure that funds are maintained at a sufficient level to discharge workers' compensation obligations incurred by the employer pursuant to this Title as those obligations become due and payable. At least 30% of the portfolio, as measured at market value, must consist of cash, direct obligations of the United States Treasury, commercial paper, money market funds or certificates of deposit. No more than 40% of the portfolio, as measured at market value, may be invested in bonds issued or generated by United States government agencies, with no more than 10% of the portfolio invested in a single issuer. No more than 50% of the portfolio, as measured at market value, may be invested in corporate or municipal bonds, with no more than 5% of the portfolio in-

vested in a single issuer. No more than 25% of the corporate bond portion of the portfolio, as measured at market value, may be invested in a single industry, as defined by the North American Industry Classification System of the United States Department of Commerce, United States Census Bureau.

C. If the portfolio no longer meets the requirements of this subsection as a result of a rating downgrade or a change in financial condition or market value, the value may not be considered in determining whether a deposit or trust has surplus available for distribution, and the superintendent has discretion to discount or disallow the value of the investment for purposes of determining whether additional security is required. In the case of a portfolio that no longer meets the diversification requirements of paragraph B, the self-insurer may designate the specific assets to be disallowed, as long as the remaining assets meet the requirements of paragraph B.

See title page for effective date.

## CHAPTER 60

### H.P. 87 - L.D. 129

#### **An Act To Provide Options to Schools for Making Up School Days**

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

**Whereas**, last winter's weather conditions included blizzards and snowstorms that set records for the amount of snowfall in many regions of the State, which caused the cancellation of a significant number of school days in many school administrative units due to dangerous road and travel conditions; and

**Whereas**, Department of Education Rule Chapter 125 provides that a school board may reschedule cancelled school days by conducting classes on the weekend, rescheduling or shortening scheduled vacation periods or postponing the scheduled closing date of the school year; and

**Whereas**, providing school administrative units with the additional option of adding make-up instructional time during existing school days would provide school boards with greater flexibility in determining how to meet the minimum school year calendar requirements; and

**Whereas**, because Rule Chapter 125 is a major substantive rule, changes to the rule require legislative review before the changes may be made; and