

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**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**  
**2023**

later causes the employee to lose a day's work. The employer is also required to submit the form to the board if the board has finally adopted a major substantive rule pursuant to Title 5, chapter 375, subchapter 2-A to require the form to be filed electronically.

**Sec. 7. 39-A MRSA §360, sub-§1**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by enacting at the end a new blocked paragraph to read:

An insured employer may be required to reimburse the insurer for any penalty under this subsection that is due as a result of the insured employer's failure to give timely notice or information to its insurer.

**Sec. 8. 39-A MRSA §401, sub-§4**, as amended by PL 2011, c. 643, §12 and affected by §14, is further amended by amending the first blocked paragraph to read:

A landowner is not liable for compensation if at the time the landowner enters into the contract with the contractor, the landowner applies for and receives a predetermination of the independent status of the contractor as set forth in ~~section 105~~ subsection 4-A, the landowner requests and receives a certificate of independent status, issued by the board on an annual basis to a contractor, certifying that the contractor harvests forest products in a manner that would not make the contractor an employee of the landowner or the landowner requests and receives a certificate of insurance, issued by the contractor's insurance carrier, certifying that the contractor has obtained the required coverage and indicating the effective dates of the policy, and if the landowner requests and receives at least annually similar certificates indicating continuing coverage during the performance of the work. A landowner who receives a predetermination of the contractor's status as independent contractor or a certificate of independent status is only relieved of liability under this paragraph if the contract for wood harvesting expressly states that the independent contractor will not hire any employees to assist in the wood harvesting without first providing the required certificate of insurance to the landowner.

**Sec. 9. 39-A MRSA §401, sub-§4**, as amended by PL 2011, c. 643, §12 and affected by §14, is further amended by amending the 2nd blocked paragraph to read:

~~Notwithstanding section 105, subsection 1, paragraph A, a~~ A predetermination under ~~section 105~~ subsection 4-A related only to a person engaged in harvesting forest products is a conclusive presumption that the determination is correct and ~~section 105, subsection 2~~ does not apply to that determination. Each party involved in or affected by the predetermination must be provided information on the workers' compensation laws and the effect of independent contractor status in relation to those laws. A predetermination under ~~section 105~~ subsection 4-A related to a person engaged in harvesting

forest products is effective for one calendar year or the duration of the contract, whichever is shorter.

**Sec. 10. 39-A MRSA §401, sub-§4-A** is enacted to read:

**4-A. Predetermination of independent contractor status.** A landowner and a contractor may submit to the board, on forms approved by the board, a request for predetermination of the status of the contractor as an independent contractor.

A. A request under this subsection is deemed to have been approved if the board does not deny or take other appropriate action on the submission within 30 days.

B. A hearing, if requested by a party within 10 days of the board's decision on a petition, must be conducted under the Maine Administrative Procedure Act. A ruling by the board or administrative law judge under this paragraph is final and not subject to review by the Superior Court.

C. The board shall provide to each party a certified copy of the decision regarding predetermination that is to be used as evidence at a later hearing on benefits.

D. The board is authorized to adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 206**

**H.P. 1152 - L.D. 1807**

**An Act to Implement the Recommendations of the Department of Inland Fisheries and Wildlife's Report on Boater Safety Education**

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

**Sec. 1. 12 MRSA §13001, sub-§6-B**, as enacted by PL 2021, c. 656, §2, is amended to read:

**6-B. Boater safety and education course certificate.** "Boater safety and education course certificate" means a certificate or other evidence of completion of a boater safety and education course or an equivalency exam specified or approved by the commissioner pursuant to section 13052, subsection 2.

**Sec. 2. 12 MRSA §13001, sub-§24-A** is enacted to read:

**24-A. Recreational boating.** "Recreational boating" means operating a motorboat primarily for the op-

erator's pleasure or leasing, renting or chartering a motorboat to another person for the other person's pleasure. "Recreational boating" does not include using a motorboat engaged in the carriage of passengers for hire.

**Sec. 3. 12 MRSA §13052, sub-§2**, as amended by PL 2021, c. 656, §3, is further amended to read:

**2. Promote safety; education courses.** The commissioner shall promote safety for persons and property in connection with the use and operation of watercraft. The commissioner, in accordance with section 13051, shall implement the boater safety and education course or equivalency exam requirements of this chapter.

**Sec. 4. 12 MRSA §13068-A, sub-§3-A**, as enacted by PL 2021, c. 656, §4, is amended by amending the first blocked paragraph to read:

This subsection does not apply to the operation of personal watercraft or motorboats other than for recreational boating purposes.

**Sec. 5. 12 MRSA §13068-A, sub-§17, ¶A**, as enacted by PL 2021, c. 656, §5, is amended to read:

A. Except as provided in paragraph C, beginning January 1, 2024, a person born on or after January 1, 1999 may not operate on inland waters of this State or territorial waters, as defined in section 6001, subsection 48-B, a motorboat for recreational boating purposes propelled by machinery capable of producing more than 25 horsepower unless that person is 12 years of age or older and:

- (1) Has completed a boater safety and education course; and
- (2) Possesses and presents for inspection upon request to a law enforcement officer a boater safety and education course certificate.

**Sec. 6. 12 MRSA §13068-A, sub-§17, ¶C**, as enacted by PL 2021, c. 656, §5, is amended to read:

C. A person is not required to meet the boater safety and education course requirement of this subsection if the person:

- (1) Possesses a valid Maine guide license and has met the requirements for carrying passengers for hire under section 13063; ~~or~~
- (2) Possesses a valid ~~maritime license of any type that the commissioner determines, pursuant to section 13052, subsection 2, meets the boater safety education purposes of this subsection.~~ or expired United States merchant marine document issued by the United States Coast Guard for an operator of uninspected passenger vessel, or master or mate captain's license;
- (3) Is test driving a motorboat that is registered in accordance with section 13060-A and that is offered for sale by a dealer that has been

issued a watercraft dealer's certificate of number and the person is under the direct supervision of a person 16 years of age or older who has completed a boater safety and education course;

(4) Possesses a rental or lease agreement that lists the person as an authorized operator of the motorboat and the person has completed a temporary boater safety course provided by the rental agent who has been issued a certificate of number as described in section 13064. A renter or lessor meeting the requirements of this subparagraph may operate the rented or leased motorboat for up to 14 days from the date of course completion or for the duration of the rental agreement, whichever is earlier;  
or

(5) Is not a citizen of the United States, arrived to the United States by sea and is temporarily operating on territorial waters as defined in section 6001, subsection 48-B for 60 days or less.

**Sec. 7. 12 MRSA §13071-A, sub-§6**, as enacted by PL 2021, c. 656, §7, is amended to read:

**6. Operating personal watercraft while 16 years of age or older; boater safety and education course requirement.** Beginning January 1, 2024, a person born on or after January 1, 1999 may not operate a personal watercraft on inland waters of the State or territorial waters, as defined in section 6001, subsection 48-B, unless that person is 16 years of age or older and has completed a boater safety and education course.

A. The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.
- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.

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**CHAPTER 207  
H.P. 20 - L.D. 16**

**An Act to Make Technical  
Changes to Maine's Marine  
Resources Laws**

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