

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
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Whereas, public assistance funds will be available for purposes of this legislation upon application; and

Whereas, the county must be vested with control in order to apply for these funds; and

Whereas, time is of the essence in order to make application to carry out the intended purposes; 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:

30 MRSA § 302, 1st sentence, is amended to read:

The county commissioners shall not remove a county building ~~in the shire town~~ or erect a new one instead of it ~~more than $\frac{1}{2}$ a mile from the former location beyond the limits of the shire town~~, without first giving notice of their intentions and of the place where they propose to locate it to the municipal officers of each town in the county.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 17, 1977

CHAPTER 7

AN ACT Providing for Extension and Modification of the Joint Underwriting Association.

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

Whereas, a crisis developed within Maine with regard to the availability of hospital and medical malpractice insurance; and

Whereas, the regular session of the 107th Legislature enacted as an emergency measure, "An Act Providing for Temporary Interim Relief Relating to the Availability of Hospital and Medical Malpractice Insurance;" and

Whereas, the crisis with regard to availability of hospital and medical malpractice insurance still exists in Maine; and

Whereas, the enabling legislation now needs extension and modification as herein provided in order to guarantee the availability of said insurance in Maine; 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. 24 MRSA § 2402, sub-§ 3, as enacted by PL 1975, c. 442, is amended to read:

3. Medical malpractice insurance. "Medical malpractice insurance" means insurance coverage against the legal liability of the insured, including the liability of the insured, if any, for the acts of his employees or independent contractors providing services to the insured, and against loss, damage or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed physician, hospital or other licensed health care provider or facility, or any other person involved in the providing of health care services as either an employee or agent of a physician or a health care facility.

Sec. 2. 24 MRSA § 2403, sub-§ 1, as enacted by PL 1975, c. 442, is amended by adding at the end the following new sentence:

Insurers under common management or ownership shall constitute a single member.

Sec. 3. 24 MRSA § 2403, sub-§ 2, as enacted by PL 1975, c. 442, is amended to read:

2. Purpose. The purpose of the association shall be to provide for a period not to exceed 2 years, until July 1, 1979, a market for medical malpractice insurance on a self-supporting basis without subsidy from its members pending receipt and consideration of the commission's recommendation and enactment of appropriate remedial legislation.

Sec. 4. 24 MRSA § 2403, sub-§ 3, 1st ¶, as enacted by PL 1975, c. 442, is repealed and the following enacted in its place:

The association shall not commence underwriting operations for physicians until the superintendent, after due hearing and investigation, has determined that medical malpractice insurance cannot be made readily available for physicians in the voluntary market. Upon such determination, the association shall be authorized to issue policies of medical malpractice insurance to physicians but need not be the exclusive agency through which such insurance may be written on a primary basis in the State.

Sec. 5. 24 MRSA § 2403, sub-§ 3, 4th ¶, as enacted by PL 1975, c. 442, is amended to read:

If the superintendent determines at any time that medical malpractice insurance can be made available in the voluntary market for all physicians, all hospitals or any specific type of other licensed health care providers or facilities, the association shall thereby cease its underwriting operations for such medical malpractice insurance which the superintendent has determined can be made available in the voluntary market.

Sec. 6. 24 MRSA § 2405, sub-§ 1, 1st sentence, as enacted by PL 1975, c. 442, is repealed and the following enacted in its place:

The association shall not issue any policies that provide coverage beyond the term of the enabling legislation.

Sec. 7. 24 MRSA § 2407, sub-§ 1, 1st sentence, as enacted by PL 1975, c. 442, is amended to read:

Any licensed physician, hospital or other licensed health care provider or facility shall, on or after the effective date of the plan of operations, be entitled to apply to the association for such coverage.

Sec. 8. 24 MRSA § 2409, as enacted by PL 1975, c. 442, is amended by adding at the end the following new sentence:

The directors of the association shall have no liability to the association or to any other persons with respect to their performance or failure to perform their duties concerning any matters within the scope of this chapter so long as they act in good faith.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 25, 1977

CHAPTER 8

AN ACT Relating to Transfer of Unexpended Appropriations of State Funds.

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

5 MRSA § 1585, as amended by PL 1975, c. 771, § 72, is further amended by adding a new paragraph at the end to read:

All transfers of unexpended appropriations shall be supported by a statement of fact setting forth the necessity for the transfer. A copy of each order for an allocation or transfer, together with the statement of fact, shall be provided to the Legislative Finance Officer, to the President of the Senate and to the Speaker of the House of Representatives when the allocation or transfer is made.

Effective October 24, 1977

CHAPTER 9

AN ACT Concerning Proofs Required for the Issue of a Marriage Intention Form.