

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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PUBLIC LAWS

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ness, as described in chapter 38, if it is otherwise qualified therefor and possesses and thereafter maintains, in addition to the amounts described in the following table, an additional amount of unimpaired paid-in capital stock, if a stock insurer, or unimpaired basic surplus, if a foreign mutual or reciprocal insurer, of not less than \$500,000.

Kind or Kinds of Insurance	Domestic Mutual Insurers
Life	\$1,000,000
Health	500,000
Life and Health	1,250,000
Casualty	750,000
Marine and Transportation	1,000,000
Property	500,000
Surety	1,000,000
Title	350,000
Multiple Line (as defined in section 710)	1,250,000
Life, and any one or more of Property, Casualty, Surety, Marine and Transportation	2,500,000

Effective September 29, 1987.

CHAPTER 79

H.P. 820 — L.D. 1108

AN ACT to Amend Implementation of the International Registration Plan and Apportioned Fees for Certain Commercial Vehicles.

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

Sec. 1. 29 MRSA §242, as amended by PL 1985, c. 762, §§26 and 27, is further amended by adding at the end 2 new paragraphs to read:

With the approval of the Secretary of State, an annual registration fee for the State under the International Registration Plan may be paid in quarterly installments. If the person in whose name a vehicle is registered fails to make timely payments of a fee or an approved quarterly installment of the fee, the Secretary of State may suspend, without preliminary hearing, the registration of the vehicle pursuant to section 2241, subsection 3. In cases in which a vehicle has been registered as part of a fleet and there has been failure to make a payment for the vehicle, the Secretary of State may suspend registrations for all vehicles in the fleet.

Vehicles being registered under the International Registration Plan shall be subject to a registration fee determined on a monthly prorated basis if the registration period is less than one year.

Sec. 2. 29 MRSA §245, last ¶, as amended by PL 1985, c. 735, §§2 and 7, is repealed.

Sec. 3. 29 MRSA §2243-A, first ¶, as amended by PL 1985, c. 735, §4, is further amended to read:

Notwithstanding any other provisions of this Title, the Secretary of State, in concurrence with the Commissioner of Transportation, is authorized to enter into reciprocal agreements or plans on behalf of the State of Maine with the appropriate authorities of any of the states of the United States, the District of Columbia or any state or province of any country providing for the registration of vehicles on any apportionment or allocation basis and may, in the exercise of this authority, enter into and become a member of the International Registration Plan with an entry date of January 1, ~~1989~~ 1990.

Sec. 4. 29 MRSA §2243-A, sub-§3, as enacted by PL 1985, c. 735, §4, is amended to read:

3. Registration transition. The annual registration of motor vehicles that are to be registered under the International Registration Plan become void on January 1, 1988, and the annual registration fees for these vehicles, issued in the 12 months prior to Maine's entry, shall be prorated on a monthly basis and be rounded off to the nearest 1/4 of a dollar and issued for such a number of months as is necessary to expire on December 31st of the year prior to Maine's entry into the International Registration Plan.

Sec. 5. 36 MRSA §1482, sub-§1, ¶D is enacted to read:

D. The excise tax on motor vehicles that are to be registered under the International Registration Plan, issued in the 12 months prior to Maine's entry, shall be prorated on a monthly basis and paid for such a number of months as is necessary for the registration to expire on December 31st of the year prior to Maine's entry into the International Registration Plan.

Sec. 6. 36 MRSA §1482, sub-§5, ¶F, as enacted by PL 1985, c. 735, §§6 and 7, is repealed.

Sec. 7. Effective date. This Act shall become effective on January 1, 1989, provided that Maine's application to join the International Registration Plan is approved.

Effective January 1, 1989, unless otherwise indicated.

CHAPTER 80

S.P. 88 — L.D. 209

AN ACT to Repeal the Sunset Provision of the Social Workers Freedom of Choice Law.

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

Sec. 1. 24 MRSA §2303, sub-§2, as amended by PL 1983, c. 805, §1, is further amended to read:

2. Mental health services provided by psychologists or certified social workers. Notwithstanding any provision of a contract between a subscriber and a nonprofit hospital or medical service organization entered into pursuant to a hospital service plan, medical service plan or health care plan authorized under this chapter, and notwithstanding any other provision of this chapter, whenever the contract provides for payment or reimbursement for mental health services, payment or reimbursement for the provision of these services shall not be denied because the services are provided by a contracting licensed psychologist who is trained and received a doctorate in psychology specializing in the evaluation and treatment of human behavior, a contracting certified social worker licensed for the independent practice of social work in this State who has at least a masters degree in social work from an accredited educational institution, has been employed in social work for at least 2 years, and who, after January 1, 1985, must be licensed as a clinical social worker in this State, or a contracting licensed nurse who is trained and has received a certificate as a clinical specialist in psychiatric and mental health nursing from the American Nurses' Association, acting within the scope of his license or certification. Subject to approval by the Superintendent of Insurance pursuant to sections 2305 and 2316, a nonprofit hospital or medical service organization incorporated under this chapter shall offer contracts to psychologists licensed pursuant to Title 32, section 3831, subsection 2, certified social workers licensed for the independent practice of social work who have at least a masters degree in social work from an accredited educational institution, who have been employed in social work for at least 2 years, and who, after January 1, 1985, must be licensed as a clinical social worker in this State, and licensed nurses who are certified by the American Nurses' Association as clinical specialists in adult psychiatric and mental health nursing or as clinical specialists in child and adolescent psychiatric and mental health nursing, authorizing the provision of mental health services by these psychologists, clinical social workers, certified social workers and certified nurses within the scope of their licensure or certification, if the nonprofit hospital or medical service organization provides mental health services in contracts with subscribers. Payment or reimbursement for services rendered by clinical social workers licensed in this State shall not be conditioned upon prior diagnosis or referral by a physician or other health care professional, except in cases where diagnosis of the condition for which the services are rendered is beyond the scope of their licensure. With respect to services provided by psychologists, this subsection applies to all contracts between the subscriber and a nonprofit hospital or medical service organization entered into or renewed after January 1, 1976. ~~With respect to services provided by social workers and nurses, this subsection applies to all~~

~~contracts between the subscriber and a nonprofit hospital or medical service organization entered into or renewed after January 1, 1984, and before January 1, 1988.~~

Sec. 2. 24-A MRSA §2744, sub-§1, as amended by PL 1983, c. 805, §2, is further amended to read:

1. Notwithstanding any provision of a health insurance policy subject to this chapter, whenever the policy provides for payment or reimbursement for services which are within the lawful scope of practice of a psychologist licensed to practice in this State, a certified social worker licensed for the independent practice of social work in this State who has at least a masters degree in social work from an accredited educational institution, has been employed in social work for at least 2 years, and who, after January 1, 1985, must be licensed as a clinical social worker in this State, or a licensed nurse who is certified by the American Nurses' Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing, any person covered by the policy shall be entitled to reimbursement for these services if the services are performed by a physician, a psychologist licensed to practice in this State, a certified social worker licensed for the independent practice of social work who has at least a masters degree in social work from an accredited educational institution, who has been employed in social work for at least 2 years, and who, after January 1, 1985, must be licensed as a clinical social worker in this State, or a licensed nurse certified by the American Nurses' Association as a clinical specialist in adult or child and adolescent psychiatric and mental health nursing. With respect to services provided by physicians or psychologists, this section applies to all health insurance policies, contracts or certificates issued, renewed, modified, altered, amended or reissued on or after July 1, 1975. Payment or reimbursement for services rendered by clinical social workers licensed in this State shall not be conditioned upon prior diagnosis or referral by a physician or other health care professional, except in cases where diagnosis of the condition for which the services are rendered is beyond the scope of their licensure. ~~With respect to services provided by social workers and nurses, this section applies to all health insurance policies, contracts or certificates issued, renewed, modified, altered, amended or reissued on or after January 1, 1984, and before January 1, 1988.~~

Sec. 3. 24-A MRSA §2835, sub-§1, as amended by PL 1983, c. 805, §3, is further amended to read:

1. Notwithstanding any provision of a health insurance policy subject to this chapter, whenever the policy provides for payment or reimbursement for services which are within the lawful scope of practice of a psychologist licensed to practice in this State, a certified social worker licensed for the independent practice of social work in this State who has at least a masters degree in social work from an accredited educational institution, has been employed in social work for at least 2 years,

and who, after January 1, 1985, must be licensed as a clinical social worker in this State, or a licensed nurse who is certified by the American Nurses' Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing, any person covered by the policy shall be entitled to reimbursement for these services if the services are performed by a physician, a psychologist licensed to practice in this State, certified social worker licensed for independent practice in this State who has at least a masters degree in social work from an accredited educational institution, who has been employed in social work for at least 2 years, and who, after January 1, 1985, must be licensed as a clinical social worker in this State, or a licensed nurse certified by the American Nurses' Association as a clinical specialist in adult or child and adolescent psychiatric and mental health nursing. With respect to services provided by physicians or psychologists, this section applies to all health insurance policies, contracts or certificates issued, renewed, modified, altered, amended or reissued on or after April 16, 1976. Payment or reimbursement for services rendered by clinical social workers licensed in this State shall not be conditioned upon prior diagnosis or referral by a physician or other health care professional, except in cases where diagnosis of the condition for which the services are rendered is beyond the scope of their licensure. ~~With respect to services provided by social workers and nurses, this section applies to all health insurance policies, contracts or certificates issued, renewed, modified, altered, amended or reissued on or after January 1, 1984, and before January 1, 1988.~~

Effective September 29, 1987.

CHAPTER 81

S.P. 142 — L.D. 396

AN ACT to Amend the Law Regarding the Organization and Management of Stock Institutions.

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

Sec. 1. 9-B MRSA §312, sub-§1, as enacted by PL 1975, c. 500, §1, is amended to read:

1. Incorporators. Five or more persons, a majority of whom shall be residents of this State, may agree in writing to associate themselves for the purpose of forming a stock financial institution pursuant to this chapter.

If a company is a financial institution holding company or will become a financial institution holding company as a result of the formation of a stock institution pursuant to this chapter, then the company proposing to organize a stock institution may be the sole incorporator. The company must subscribe to and ultimately purchase 100% of the capital stock of the institution in order to

become the sole incorporator. A majority of the board of directors of the company must resolve to seek to organize the stock financial institution.

Sec. 2. 9-B MRSA §312, sub-§2, ¶G, as enacted by PL 1975, c. 500, §1, is amended to read:

G. Such additional information, including the reasons why an institution of the type specified in paragraph B is needed in the proposed location, as the superintendent may require by regulation. No application for a permission to organize shall may be deemed considered complete unless accompanied by an application fee of \$1,000 as determined by the superintendent, payable to the Treasurer of State, to be credited and used as provided in section 214. In no event may that fee be less than \$1,000 or greater than \$5,000.

Sec. 3. 9-B MRSA §312, sub-§3, as enacted by PL 1975, c. 500, §1, is amended to read:

3. Publication of notice. After determining that the application required in subsection 2 is complete, the superintendent shall advise the incorporators to publish, within 15 days of such advice, a notice in such form as the superintendent may prescribe. Such notice shall appear at least once a week for 3 successive weeks in one or more newspapers of general circulation in the county where the financial institution is to be established, or in such other newspapers as the superintendent may designate. Such published notice shall specify the names, addresses and occupations or businesses of each of the incorporators and directors, the type of financial institution to be organized, and the name of the institution and its location as set forth in the application for permission to organize. The superintendent may require individual notice to any person or corporation, and may require that one of such publications contain the information required under section 252, subsection 2.

Sec. 4. 9-B MRSA, §312, sub-§4, as amended by PL 1979, c. 663, §34, is further amended to read:

4. Permission from superintendent.

A. ~~Within 10 days after the first publication of the notice required in subsection 3, the incorporators shall apply to the superintendent for a certificate that public convenience and advantage will be promoted by the establishment of a financial institution of the type set forth in their application; and such request shall be deemed as completing the application for purposes of section 252, subsection 2.~~

B. In determining whether or not a certificate of public convenience and advantage ~~will be promoted by granting permission to organize the type of institution requested; which permits the incorporator or incorporators to organize the type of financial institution requested, should be granted, the superintendent shall make his decision in accordance with the requirements~~