

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**CHAPTER 859**

S.P. 169 - L.D. 403

**An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers**

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

**Sec. 1. 23 MRSA §4209, sub-§3, ¶A-2** is enacted to read:

A-2. In consultation with the Bureau of Insurance, advise transportation providers regarding the liability of volunteer drivers;

**Sec. 2. Home equity conversion report.** The Maine State Housing Authority shall study the home equity conversion program, which is jointly administered by the Department of Human Services, Bureau of Elder and Adult Services and the Maine State Housing Authority, and shall submit a report to the joint standing committee of the Legislature having jurisdiction over human resource matters by February 1, 1993. A copy of the report must be sent to the Office of the Executive Director of the Legislative Council. The report must present program statistics and an analysis of the program's success, along with any recommended legislation.

See title page for effective date.

**CHAPTER 860**

H.P. 508 - L.D. 702

**An Act Regarding the Relocation of Utility Facilities as a Result of State Highway Construction**

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

**Sec. 1. 23 MRSA §256** is enacted to read:

**§256. Financial assistance program for utilities**

The department shall develop a program whereby financial assistance may be provided to any utility as defined in section 255 that experiences serious financial hardship as a result of being required to move or relocate its facilities in or from any way because of department construction needs in building, relocating, widening or otherwise performing work on or with respect to any state highway.

**Sec. 2. Department of Transportation report.** The Department of Transportation shall report to the joint standing committee of the Legislature having juris-

dition over transportation matters on or before December 1, 1992 with a program as set out in section 1 and any necessary legislation to implement the program. The report must identify the utilities to which the program may apply, circumstances under which financial assistance may be granted and the estimated cost of the program.

See title page for effective date.

**CHAPTER 861**

H.P. 507 - L.D. 701

**An Act to Provide More Affordable Health Insurance for Small Businesses and Community Rating of Health Insurance Providers**

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

**Sec. 1. 24 MRSA §2327-A**, as enacted by PL 1989, c. 422, §1, is amended to read:

**§2327-A. Rating practices in group health insurance**

Title 24-A, section sections 2808-A and 2808-B; shall apply to nonprofit hospital corporations, nonprofit medical service corporations and nonprofit health care plans to the extent not inconsistent with this chapter.

**Sec. 2. 24-A MRSA §2808-B** is enacted to read:

**§2808-B. Small group health plans**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Carrier" means any insurance company, nonprofit hospital and medical service organization or health maintenance organization authorized to issue small group health plans in this State. For the purposes of this section, carriers that are affiliated companies or that are eligible to file consolidated tax returns are treated as one carrier and any restrictions or limitations imposed by this section apply as if all small group health plans delivered or issued for delivery in this State by affiliated carriers were issued by one carrier. For purposes of this section, health maintenance organizations are treated as separate organizations from affiliated insurance companies and nonprofit hospital and medical service organizations.

B. "Community rate" means the rate to be charged to all eligible groups for small group health plans prior to any adjustments pursuant to subsection 2, paragraphs C and D.