

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

Kennebec Journal
Augusta, Maine
1979

PUBLIC LAWS
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1. **Records.** A list of persons certified under section 1751 shall be kept in the office of the commissioner and shall be a public record. Copies of the list shall be sent to school committees and superintendents upon their request.

2. **Records confidential.** Transcripts, recommendations and other documents submitted in support of an application for certification under section 1751 and maintained in the office of the commissioner are confidential and shall only be made available to the following:

- A. School committees and superintendents;
- B. Authorized personnel of the department in fulfilling assigned duties; and
- C. Individuals and their representatives who request to examine their own records.

3. **Duplication costs.** Individuals requesting copies of their records shall bear the costs of copying those records.

Effective September 14, 1979

CHAPTER 329

H. P. 1104 — L. D. 1319

AN ACT to Require Payment of Taxes on Timberland Repossessed by the Maine Guarantee Authority.

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

10 MRSA § 806, as amended by PL 1975, c. 566, § 16, is further amended by adding at the end the following new paragraph:

The Maine Guarantee Authority shall be liable to a municipality for property taxes on any unimproved real property owned by it in the municipality due on or after April 1st at least one year after acquisition of the property by the authority.

Effective September 14, 1979

CHAPTER 330

S. P. 505 — L. D. 1566

AN ACT to Amend the Rate Filing Disapproval Requirements Pertaining to

Nonprofit Hospital and Medical Service Organizations and Health Insurance Carriers.

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

Sec. 1. 24 MRSA § 2322, as amended by PL 1977, c. 694, § 383, is further amended to read:

§ 2322. Disapproval of filing

If, at any time, the superintendent has reason to believe that a filing does not meet the requirements that rates shall not be excessive, inadequate or unfairly discriminatory ~~and or~~ violates any of Title 24-A, chapter 23, to the extent it is applicable pursuant to section 2317, he shall, after a hearing held upon not less than 10 days' written notice to the organization making the filing specifying the matters to be considered at such hearing, issue an order specifying in what respects, if any, he finds that such filing fails to meet the requirements that rates shall not be excessive, inadequate or unfairly discriminatory and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. ~~The superintendent shall have the burden of proof at any hearing concerning a determination that the rates are excessive, inadequate or unfairly discriminatory~~ Copies of the order shall be sent to the organization making the filing. The order shall not affect any individual subscriber or membership contract made or issued prior to the expiration of the effective period set forth in the order. Hearings held under this section shall conform to the procedural requirements set forth in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV.

Sec. 2. 24-A MRSA § 2736-A, as amended by PL 1977, c. 694, § 422, is further amended to read:

§ 2736-A. Disapproval of filing

If, at any time, the superintendent has reason to believe that a filing does not meet the requirements that rates shall not be excessive, inadequate or unfairly discriminatory ~~and or~~ violates any of the provisions of chapter 23, he shall, after a hearing held upon not less than 10 days' written notice to the insurer making the filing specifying the matters to be considered at such hearing, issue an order specifying in what respects, if any, he finds that such filing fails to meet the requirements that rates shall not be excessive, inadequate or unfairly discriminatory and stating when, within a reasonable time period thereafter, such filing shall be deemed no longer effective. ~~The superintendent shall have the burden of proof at any hearing concerning a determination that the rates are excessive, inadequate or unfairly discriminatory~~ Copies of the order shall be sent

to the insurer making the filing. The order shall not affect any policy issued prior to the expiration of the effective period set forth in the order. Hearings held under this section shall conform to the procedural requirements set forth in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV.

Effective September 14, 1979

CHAPTER 331

S. P. 179 — L. D. 409

AN ACT Concerning the Maine Development Districts Law.

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

Sec. 1. 30 MRSA § 4862, sub-§ 1-A is enacted to read:

1-A. Amenities. "Amenities" means those items of street furniture, signage and landscaping including, but not limited to, plantings, benches, trash receptacles, street signs, sidewalks and pedestrian malls.

Sec. 2. 30 MRSA § 4862, sub-§ 6, as enacted by PL 1977. c. 397. is amended to read:

6. Maintenance and operation. "Maintenance and operation" means all activities necessary to maintain facilities after they have been developed and all activities necessary to operate the facilities, including, but not limited to, informational, promotional and educational programs, and safety and surveillance activities.

Sec. 3. 30 MRSA § 4863, sub-§ 1, 2nd sentence, as enacted by PL 1977. c. 397. is amended to read:

Prior to designating a district, the governing body shall consult with the municipal planning agency or department and with the an advisory board, if established under section 4870, and shall also hold at least one public hearing, notice of which shall be published at least 10 days prior to the hearing in a newspaper of general circulation within the municipality.

Sec. 4. 30 MRSA § 4863, sub-§ 3, last sentence, as enacted by PL 1977. c. 397. is amended to read:

The municipality shall have the authority to install special lighting systems ~~special street signs and street furniture and special landscaping of streets and public property and amenities.~~