

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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state where the certification required by section 6002, subsection 2, paragraph B, has been filed, of a domestic casualty insurer writing such lines of business, that group shall be deemed an impaired insurer.

§6010. Delinquency proceedings

1. A risk retention group domiciled and licensed in this State must comply with all lawful orders issued in a delinquency proceeding commenced by the superintendent.

2. A risk retention group not domiciled in this State and doing business in this State must comply with a lawful order issued in a delinquency proceeding commenced by the superintendent if the commissioner of the state or the public official having supervision over insurance in the jurisdiction in which the group is domiciled has failed to initiate such a proceeding after notice of a finding of financial impairment under section 6009.

§6011. Penalties

1. A risk retention group which is domiciled and licensed under sections 6003 and 6004 and which violates any provision of this chapter shall be subject to fines and penalties applicable to licensed insurers generally, including revocation of its license and the right to do business in this State.

2. A risk retention group doing business in this State and which is not domiciled or licensed in accordance with either section 6003 or 6004 is an unauthorized insurer and subject to the fines and penalties of the Maine Insurance Code relating to unauthorized insurers.

§6012. Rules

The superintendent may establish, and from time to time amend, such rules relating to risk retention groups as are necessary to carry out the provisions of this chapter.

Effective July 16, 1986.

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**CHAPTER 525**

H.P. 1412 - L.D. 1996

AN ACT Concerning the Membership of the  
Advisory Commission on Radioactive  
Waste.

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

Whereas, the duties and activities of the Advisory Commission on Radioactive Waste are of extreme and timely importance to the State; and

Whereas, it is vitally necessary that the members of that commission be qualified to represent the best interests of the State; 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:

38 MRSA §1453, sub-§2, as enacted by PL 1985, c. 309, §6, is amended to read:

2. Membership; appointment. The commission shall consist of 13 members, who shall be appointed as follows: The Commissioner of Environmental Protection, the Commissioner of Human Services and the State Geologist or their designees shall be members of the commission. The President of the Senate shall appoint 3 Senators, 2 from the majority party and one from the minority party; one person from an organization that holds a license for the use of radioactive material; and one person from the general public. The Speaker of the House of Representatives shall appoint 3 Representatives, 2 from the majority party, and one from the minority party; one person from an organization that holds a license for the use of radioactive material; and one person from the general public. The terms of legislative members of the Commission shall expire the first Wednesday in December 1986, and in even numbered years. The terms of the public member appointed by the President of the Senate and the licensee member appointed by the Speaker of the House of Representatives shall expire December 31, 1986, and every 2 years thereafter; and the terms of the public member appointed by the Speaker of the House of Representatives and the licensee member appointed by the President of the Senate shall expire December 31, 1987, and every 2 years thereafter. Notwithstanding this subsection, any public member or licensee member may be removed by the appointing authority, at the pleasure of the appointing authority,

and a new member may be appointed to complete the term of the preceding appointee. Members may continue to serve until their replacements are designated. Vacancies shall be filled by the appointing authority to complete the term of the preceding appointee.

The commission shall elect a chairman from its legislative membership. The Commissioner of Environmental Protection shall serve as vice-chairman.

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

Effective February 13, 1986.

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## CHAPTER 526

H.P. 1225 - L.D. 1732

AN ACT to Authorize the Superintendent of  
Insurance to Promulgate Rules Relating  
to Coordination of Group Health  
Insurance Benefits.

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

Sec. 1. 24 MRSA §2333 is enacted to read:

§2333. Coordination of benefits

Provisions contained in group nonprofit hospital, medical service or health care subscriber contracts relating to coordination of benefits payable under the contract and under other plans of insurance or of health care coverage under which the subscriber or his dependents may be covered shall conform to rules promulgated by the superintendent. The rules may establish uniformity in the permissive use of coordination of benefits provisions in order to avoid claim delays and misunderstandings that otherwise result from the use of inconsistent or incompatible provisions among the several insurers and nonprofit hospital, medical service and health care plans.

Sec. 2. 24-A MRSA §2844 is enacted to read: