

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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Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 33

S.P. 135 — L.D. 371

AN ACT to Amend the State Employees Labor Relations Act by Allowing 3-year Labor Contracts.

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

Whereas, numerous state employee contracts will expire July 1, 1987; and

Whereas, this legislation is vitally necessary for the negotiation of new contracts; 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:

26 MRSA §979-D, sub-§1, ¶C, as amended by PL 1985, c. 289, is further amended to read:

C. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation but shall not exceed 2 3 years;

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

Effective April 8, 1987.

CHAPTER 34

H.P. 30 — L.D. 31

AN ACT to Amend the Preferred Provider Arrangement Laws of Maine.

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

Sec. 1. 24 MRSA §2339, as enacted by PL 1985, c. 704, §2, is amended to read:

§2339. Alternative health care benefits

A nonprofit service organization which makes a preferred provider arrangement available shall provide for payment for covered health care services rendered by providers who are not preferred providers. ~~The payment shall be at least 80% of the amount that would have been paid by the nonprofit service organization for serv-~~

~~ices rendered by a preferred provider.~~

The benefit level differential between services rendered by preferred providers and nonpreferred providers may not exceed 20% of the allowable charge for the service rendered.

Allowable charge is defined as the reasonable amount which would be payable for a service prior to the application of any deductibles and coinsurance.

Sec. 2. 24-A MRSA §2677, as enacted by PL 1985, c. 704, §4, is amended to read:

§2677. Alternative health care benefits

An insurer or administrator who makes a preferred provider arrangement available shall provide for payment for covered health care services rendered by providers who are not preferred providers. ~~The payment shall be at least 80% of the amount that would have been paid by the administrator or insurer for services rendered by a preferred provider.~~

The benefit level differential between services rendered by preferred providers and nonpreferred providers may not exceed 20% of the allowable charge for the service rendered.

Allowable charge is defined as the reasonable amount which would be payable for a service prior to the application of any deductibles and coinsurance.

Effective September 29, 1987.

CHAPTER 35

H.P. 84 — L.D. 87

AN ACT Relating to Building Inspections.

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

Sec. 1. 25 MRSA §2355 is repealed.

Sec. 2. 25 MRSA §2359, as amended by PL 1975, c. 623, §35, is further amended to read:

§2359. Refusing admission to inspector

Any owner or occupant of a building, who refuses to permit an inspector of buildings to enter his buildings or willfully obstructs him in the inspection of such building as required by chapters 313 to 321, shall be punished by a fine of not less than ~~\$1~~ \$50 nor more than ~~\$20~~ \$250, to be recovered by complaint or indictment.

Sec. 3. 25 MRSA §2360 is amended to read:

§2360. Authority to enter buildings; remedy of conditions; appeals

The inspector of buildings, the fire inspector and the municipal officers of any city or town may at all reasonable hours, for the purpose of examination, enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find in any building or upon any premises combustible material or, inflammable conditions or heating fixtures or apparatus so situated or constructed as to be dangerous to the safety of such buildings or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said buildings or premises. If the said owner or occupant shall deem himself aggrieved by such order when made by the inspector of buildings or the fire inspector, he may within 24 hours appeal to the municipal officers, and the cause of the complaint shall be at once investigated by the direction of the latter and, unless by their authority the order above named is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. The inspector of buildings, the fire inspector or the municipal officers shall make, or cause to be made, an immediate investigation as to the presence of combustible material or the existence of inflammable conditions in any building or upon any premises under their jurisdiction, upon complaint of any person having an interest in said buildings or premises or property adjacent thereto. Any owner or occupant of buildings or premises, failing to comply with the orders of the authorities above specified, shall be punished by a fine of not less than \$5 for each day's neglect.

Effective September 29, 1987.

CHAPTER 36

H.P. 139 — L.D. 180

**AN ACT Concerning Public Utilities Commission
Approval of Transfer of Utility
Property.**

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

35 MRSA §211, as amended by PL 1981, c. 469, §16, is further amended to read:

§211. Authorization required

Any public utility may sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its property necessary or useful in the performance of its duties to the public, or any part of its property under construction for the performance of its duties to the public, or any franchise or permit or any right thereunder, or by any means whatsoever, direct or indirect, merge or consolidate its property, franchises or permits, or any part thereof, with any other public utility when,

and not otherwise, it shall have first secured from the commission an order authorizing it to do so. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The sale, lease, assignment, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit or to waive any forfeiture. Nothing in this section contained ~~shall~~ may be construed to prevent the sale, lease or other disposition by any public utility of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not necessary or useful in the performance of its duties to the public, as to any purchaser of such property in good faith for value. Nothing in this section ~~shall~~ may apply to property, franchises, permits or rights of any utility owned and operated exclusively outside this State, unless the property, franchise, permits or rights are owned, operated or under construction with respect to the performance of the utility's duties to the public inside this State. No public utility ~~shall~~ may purchase or acquire, take or hold any part of the capital stock of any other public utility organized or existing under or by virtue of the laws of this State without having been first authorized to do so by the commission. Every assignment, transfer, contract or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this section shall be void and of no effect; and no such transfer ~~shall~~ may be made on the books of any public utility. Nothing herein contained ~~shall~~ may be construed to prevent the holding of stock heretofore lawfully acquired or to prevent the acquiring of additional stock by a public utility which now owns a majority of the stock of such other utility.

Effective September 29, 1987.

CHAPTER 37

H.P. 203 — L.D. 255

**AN ACT to Increase the Annual Public
Utilities Commission Regulatory Fund
Assessment.**

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

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, the Public Utilities Commission requires additional funds in fiscal years 1987-88 and 1988-89 for ongoing services in order to ensure reliable service at just