

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

PUBLISHED BY THE REVISOR OF STATUTES
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PUBLIC LAWS

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son to believe that there has been a deterioration in the financial condition of either an individual or group self-insurer which adversely affects the individual's or group's ability to pay expected losses. ~~Said~~ The reports shall be filed within 30 days after the superintendent's request, or at such time as the superintendent shall otherwise set.

After approving any application for self-insurance, the superintendent shall promptly notify the Workers' Compensation Commission and forward to it copies of the application and all supporting materials.

Sec. 3. 39 MRSA §23-A, sub-§2, as amended by PL 1981, c. 637, §3, is further amended to read:

2. Created; legal entity. There is created a ~~non-profit nonprofit unincorporated~~ legal entity to be known as the Maine Self-Insurance Guarantee Association. All self-insurers, as defined in this Title, shall be and remain members of the association as a condition of authority to self-insurer in this State, except that all of public employers which are individual self-insurers, with a ~~net worth equal to or in excess of \$25,000,000~~ and in the case of counties, cities and towns, a state-assessed valuation equal to or in excess of \$300,000,000 and either has ~~net worth equal to or in excess of \$25,000,000~~ or has a bond rating equal to or in excess of the 2nd highest standard as set by a national bond rating organization shall not be subject to this subsection. However, if a self-insurer relying on a bond rating is a county, city or town, it shall value or cause to be valued its unpaid workers' compensation claims pursuant to sound accepted actuarial principles. This value shall be incorporated in the annual audit of the county, city or town together with disclosure of funds appropriated to discharge incurred claims expenses. The association shall perform its functions under a plan of operation established or amended, or both, and approved by the superintendent and shall exercise its powers through the board of directors established in this section.

A. A self-insurer shall be deemed to be a member of the association for purposes of another self-insurer's insolvency, as defined in subsection 6, when:

- (1) The self-insurer is a member of the association when an insolvency occurs, ~~or;~~ or
- (2) The self-insurer has been a member of the association at some point in time during the 12-month period immediately preceding the insolvency in question.

B. A self-insurer shall be deemed to be a member of the association for purposes of its own insolvency when:

- (1) The self-insurer is a member of the association when the insolvency occurs, but claims relating to a compensable event which occurred prior to the date the self-insurer joined the association are not

included hereunder; or

(2) The self-insurer becomes insolvent after leaving the association, but claims relating to a compensable event which occurred prior to the date the self-insurer joined the association are not included hereunder, and claims relating to a compensable event which occurred after the self-insurer ceased to be an approved self-insurer are not to be afforded coverage hereunder.

C. In determining the membership of the association pursuant to paragraphs A and B for any date after January 1, 1983, no employer claiming self-insurer status may be deemed to be a member of the association on any date after January 1, 1983, unless that employer is at that time registered as a self-insurer by the superintendent pursuant to section 23, subsection 11.

Effective September 29, 1987.

CHAPTER 96

H.P. 71 — L.D. 74

AN ACT Concerning the Approval of Voting Devices.

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

Sec. 1. 21-A MRSA §810 is enacted to read:

§810. Approval of voting devices

The Secretary of State may adopt rules governing the type of voting devices and voting systems, as defined in section 841, to minimize the cost of producing ballot materials.

Voting devices approved and recommended pursuant to these rules may be used by any municipality in a state election. A municipality may use other approved voting devices which are not recommended, but, if the cost of ballot materials for these devices exceeds the Secretary of State's estimated cost of preparing paper ballots for that municipality, the municipality shall reimburse the State for the difference in that cost.

The Secretary of State shall publish, biennially in the odd-numbered years, the list of approved voting devices, including the estimated amount a municipality may have to reimburse the State if devices which are not recommended are used.

This section applies only to those voting devices in use by the municipality after October 1, 1987.

Sec. 2. 21-A MRSA §841, sub-§6, as enacted by PL 1985, c. 161, §6, is amended to read:

6. Electronic voting system. "Electronic voting system" means a system in which votes are recorded on paper ballots ~~utilizing special marking devices~~ or on ballot cards utilizing special styluses as part of a voting device and these votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting centers.

Effective September 29, 1987.

CHAPTER 97

H.P. 218 — L.D. 270

AN ACT for Timely Construction of Water Main Extensions.

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

35 MRSA §3296 is amended to read:

§3296. Water utility line crossing railroad right-of-way

Wherever a line or main of a water utility is located and about to be constructed across the right-of-way of any railroad, unless the officers of ~~such~~ that water utility ~~shall~~ agree with the corporation operating ~~such~~ that railroad as to the time, place, manner and conditions of the crossing, the Public Utilities Commission upon petition of either party, after notice and hearing, shall determine the time, place, manner and conditions of ~~such~~ that crossing. All the work within the limits of ~~such~~ the railroad location shall be done under the supervision of the officers of the corporation operating ~~said~~ the railroad and to the satisfaction of the commission; and the expense ~~thereof~~ shall be borne by the water utility. ~~Said~~ The commission shall make report of their decision in the same manner as in the case of highways located across railroads and subject to the same right of appeal.

Effective September 29, 1987.

CHAPTER 98

H.P. 957 — L.D. 1286

AN ACT Relating to a Vocational Region as Defined by Law.

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

Sec. 1. 20-A MRSA §1, sub-§26, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

26. School administrative unit. "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school

administrative district, community school district or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it shall not include a vocational region.

Sec. 2. 20-A MRSA §8301, sub-§5, as amended by PL 1983, c. 485, §26, is further amended to read:

5. Vocational region. A vocational region is a quasi-municipal corporation established by the Legislature for the delivery of vocational programs which is comprised of all the school administrative units within the geographical boundaries established set forth in section 8451. A region shall be governed by a cooperative board formed and operating in accordance with section 8452 ~~this~~ chapter.

Sec. 3. 20-A MRSA §8457, sub-§1, as amended by PL 1985, c. 797, §43, is further amended to read:

1. Duties. A cooperative board shall have all the rights and duties of a school board as provided in section 1001, subsections 1 ~~to 8~~, 2, 4 to 7, 11-A and 12; section 1002; section 1256, subsections 1, 2 and 4 to 7; section 1257; sections 1313 to 1315; section 2501; section 4801; section 13201; and section 13202.

Sec. 4. 20-A MRSA §8465, sub-§1, ~~¶A~~, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. The board shall call a regional referendum using the procedures set forth in sections 1351 to 1354. References in this section to laws pertaining to "school administrative district" and "board of directors" means vocational region and cooperative board, respectively;

Sec. 5. 20-A MRSA §15901, sub-§§6, 7 and 8 are enacted to read:

6. School administrative unit. "School administrative unit" means a school administrative unit as defined by section 1, subsection 26 and a vocational region as defined by section 8301, subsection 5, except that in section 15907, the reference to "unit" or "school administrative unit" means the units within the vocational regions.

7. School board. "School board" means a school board as defined in section 1, subsection 28 and the cooperative board of a vocational region.

8. Superintendent. "Superintendent" means a superintendent as defined by section 1, subsection 39, and the director of a vocational region, if that person had been appointed to serve as administrative officer of the region, or the superintendent who has been appointed to serve as ex officio administrative officer.

Sec. 6. 20-A MRSA §15904, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. School administrative districts. In a school administrative district ~~or vocational region~~ the vote shall