

# 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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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

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

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L. The disclosure to an authorized representative of the Department of Human Services of the most recent address of a delinquent payor of child support when a written request containing the payor's Social Security number is made by the department.

Effective September 29, 1987.

## CHAPTER 202

S.P. 325 — L.D. 953

### AN ACT to Provide Increased Penalties for Door-to-door Fraud.

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

Sec. 1. 32 MRSA §4661, sub-§2-A is enacted to read:

2-A. Permanent place of business. "Permanent place of business" means the building or other permanently affixed structure, including a home residence, which is used in whole or in part for the purpose of engaging in sales of consumer merchandise.

Sec. 2. 32 MRSA §4662, as amended by PL 1981, c. 187, §3, is further amended to read:

#### §4662. Contents of contract

Where merchandise is sold or contracted to be sold, whether under a single contract or under multiple contracts, to a consumer as a result of or in connection with a salesman's direct contact accomplished by means of and including, but not limited to, a personal visit or a telephone call upon the consumer, other than at the seller's place of business, without the consumer soliciting the initial contact, the contract shall be in writing, bear the signature of the seller and the consumer, contain the date of the transaction, the terms of the sale or offer, the name and the mailing address of the seller seller's permanent place of business, a statement of the consumer's right to avoid as provided in this subchapter and a statement of the limitation contained in section 4664-A. A completely executed copy of the contract or agreement shall be furnished by the seller to the consumer immediately after the consumer signs the agreement or contract.

Sec. 3. 32 MRSA §4667, last ¶, as enacted by PL 1969, c. 395, is repealed and the following enacted in its place:

A violation of any provision of this subchapter shall be a Class D crime.

Effective September 29, 1987.

## CHAPTER 203

H.P. 1175 — L.D. 1601

### AN ACT to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors.

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

22 MRSA §14, sub-§§2-B and 2-C are enacted to read:

2-B. Direct reimbursement to health care provider. When an insured is eligible under the Medicaid program administered by the Department of Human Services, pursuant to the United States Social Security Act, Title XIX, for the medical costs of injury, disease, disability or similar occurrence for which an insurer is liable, and the insured's claim is payable to a health care provider as provided or permitted by the terms of a health insurance policy or pursuant to an assignment of rights by an insured, the insurer shall directly reimburse the health care provider to the extent that the claim is honored.

2-C. Direct reimbursement to the Department of Human Services. When an insured is eligible under the Medicaid program administered by the Department of Human Services, pursuant to the United States Social Security Act, Title XIX, for the medical costs of injury, disease, disability or similar occurrence for which an insurer is liable, and the claim is not payable to a health care provider under the terms of the health insurance policy, the insurer shall directly reimburse the Department of Human Services, upon request, for any medical services paid by the department on behalf of a Medicaid recipient to the extent that those medical services are payable under the terms of the health insurance policy.

Effective September 29, 1987.

## CHAPTER 204

H.P. 1179 — L.D. 1608

### AN ACT Relating to the Availability of Rebate Forms for Manufacturers' Rebates.

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

10 MRSA c. 206-A is enacted to read:

#### CHAPTER 206-A

#### MANUFACTURERS' REBATES

§1231. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Consumer. "Consumer" means a natural person who purchases or contracts to purchase consumer goods.

2. Consumer goods. "Consumer goods" means any objects, wares, commodities or services offered for sale and intended to be used by consumers for personal, family or household purposes.

3. Manufacturer rebate. "Manufacturer rebate" means any offer or promise that a manufacturer or distributor will refund to a consumer all or a portion of the price paid by the consumer for the purchase of consumer goods.

#### §1232. Availability of rebate forms

Any persons, firm, partnership, corporation or association which causes to be advertised by means of a newspaper advertisement, circular, television or radio announcement, in-store promotion or otherwise, the availability of a manufacturer's rebate form shall have available to the consumer at the time of advertising and promotion and make available to the purchaser at the time of sale the appropriate manufacturer's rebate form. This form, or a notice as to its location, shall be located with the merchandise to which it pertains. Forms which have expired shall be removed from consumer availability in a timely fashion.

#### §1233. Violations

1. Private remedy. If the court finds in any action commenced under this chapter that the manufacturer or distributor or its agents violated section 1232, it shall award to the petitioner an amount not less than \$100.

2. Unfair trade practice. A violation of this chapter constitutes a violation of Title 5, chapter 10.

Effective September 29, 1987.

## CHAPTER 205

H.P. 59 — L.D. 62

### AN ACT to Assure Responsibility in Regulatory Decision Making.

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

38 MRSA §342, sub-§1-A, as enacted by PL 1983, c. 483, §2, is amended to read:

1-A. Administration of department. He shall be the chief administrative officer of the Department of Environmental Protection and responsible for all adminis-

trative matters of the department. It is the responsibility of the commissioner to assure that all determinations made by the staff of the department are promptly rendered. It is the responsibility of the commissioner to resolve disputes between department staff and applicants with respect to any questions regarding requirements, interpretation or application of the laws, rules or department policy. In resolving disputes, the commissioner shall attempt to reach a fair and appropriate result given all of the circumstances of the issue before him and may utilize the services of such consultants or experts as he determines would be helpful to resolve any disputed issue.

Effective September 29, 1987.

## CHAPTER 206

H.P. 1011 — L.D. 1364

### AN ACT to Require Safety Engineering and Loss Control in Workers' Compensation Insurance Rate-making Proceedings.

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

Sec. 1. 39 MRSA §22-C, sub-§6, ¶B, as reallocated by PL 1983, c. 816, Pt. B, §23, is amended to read:

B. In determining if the proposed rates are just and reasonable, the superintendent shall consider:

(1) The profit factor used in establishing the rate requested and its relationship to the return on the investment allocable to the coverage of risks in this State;

(2) The reported investment income earned or realized from funds generated from business in this State;

(3) The reported loss reserves, including the methods and the interest rates used in determining the present value for reported reserves;

(4) Reported annual losses and loss adjustment expenses;

(5) The adequacy and effect of measures taken to contain costs, including loss control, loss adjustment and employee safety engineering programs;

(6) The relationship of the aggregate amount of operating expenses reported by all companies to the annual operating expenses reported in the filing and the annual insurance expense exhibits filed by each company with the bureau; and

(7) The operating and management efficiency of the companies.