

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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1987

PUBLIC LAWS

OF THE

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1987

Sec. 2. 39 MRSA §22-D, sub-§7, ¶B, as enacted by PL 1985, c. 372, Pt. B, §8, is amended to read:

B. In establishing just and reasonable rates, the superintendent shall consider:

- (1) The reasonableness of any return on capital and surplus allocable to the coverage of risks in this State;
- (2) The reasonableness of the amounts of capital and surplus allocable to the coverage of risks in this State;
- (3) The reported investment income earned or realized from funds generated from business in this State;
- (4) The reported loss reserves, including the methods and the interest rates used in determining the present value for reported reserves;
- (5) The reported annual losses and loss adjustment expenses;
- (6) The adequacy and effect of measures taken to contain costs, including loss control, loss adjustment and employee safety engineering programs;
- (7) 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
- (8) The operating and management efficiency of the companies.

Effective September 29, 1987.

CHAPTER 207

H.P. 1092 — L.D. 1483

AN ACT to Repeal Loyalty Oaths for Civil Emergency Preparedness Personnel.

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

37-B MRSA §833, as enacted by PL 1983, c. 460, §3, is repealed.

Effective September 29, 1987.

CHAPTER 208

H.P. 1094 — L.D. 1485

AN ACT to Clarify Existing Law Regarding the Loss of Military Property.

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

Sec. 1. 37-B MRSA §266, sub-§1, as amended by PL 1983, c. 594, §12, is repealed and the following enacted in its place:

1. Destruction of equipment. The penalties for destruction of equipment are as follows.

A. Any person who knowingly or recklessly destroys, injures or defaces any article of military property belonging to the State or the United States, or uses it for an unauthorized purpose, or has or retains the property in violation of law or rule is guilty of a Class E crime.

B. In case an officer or enlisted man of the state military forces through carelessness or inattention loses, destroys or causes the loss or destruction of government property which has been issued for his use, the Adjutant General shall retain, out of the pay, allowances or money due the officer or enlisted man for any military services an amount equal to the value of the property lost or destroyed. That portion of the money which is for state property shall be turned in to the Treasurer of State and credited to the Military Fund. That portion which is for United States property shall be turned into the United States Treasury and credited to the State on its property returns.

Sec. 2. 37-B MRSA §266, sub-§2, as enacted by PL 1983, c. 460, §3, is repealed and the following enacted in its place:

2. Equipment not to be sold. Except as otherwise provided by law, the clothes, arms, military outfits and accoutrements furnished by or through the State to any member of the state military forces shall not be sold, bartered, exchanged, pledged, loaned or given away. Any unauthorized person who has possession of clothes, arms, military outfits or accoutrements furnished as a result of unlawful disposition shall have no right, title or interest in them. Those items may be seized as contraband by a civil officer of the State and shall be delivered to a commanding officer or other officer authorized to receive them, who shall make an immediate report to the Adjutant General. The possession of the clothes, arms, military outfits or accoutrements by any person not a member of the military forces of the State or of the United States shall be prima facie evidence of unauthorized sale, barter, exchange, pledge, loan or gift.

A. Any person who knowingly sells or offers for sale, barters, exchanges, pledges, loans or gives away, secretes or who retains, after demand made by any civil or military officer of the State, any clothes, arms, military outfits or accoutrements furnished by or through the State to a member of the state military forces is guilty of a Class E crime.

B. Whoever knowingly receives by purchase, barter, exchange, pledge, loan or gift any such clothes, arms, military outfits or accoutrements commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

Effective September 29, 1987.

CHAPTER 209

H.P. 1095 — L.D. 1486

AN ACT to Repeal the Removal of Ice Jams Provisions from the State Civil Emergency Preparedness Law.

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

37-B MRSA c. 23, as enacted by PL 1983, c. 460, §3, is repealed.

Effective September 29, 1987.

CHAPTER 210

H.P. 542 — L.D. 726

AN ACT to Exempt Prisoners from the Provisions of the Workers' Compensation Act.

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

39 MRSA §2, sub-§5, ¶E is enacted to read:

E. The term "employee" does not include any prisoner performing services, with or without remuneration, either within or outside a state correctional facility or county jail, excluding:

(1) County prisoners under final sentence of 72 hours or less who are assigned to work outside of the county jail; and

(2) Prisoners who are performing services under a work release program.

Effective September 29, 1987.

CHAPTER 211

S.P. 191 — L.D. 518

AN ACT to Revise the Maine Medical Laboratory Act.

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

Sec. 1. 22 MRSA §2013, sub-§3, as amended by PL 1981, c. 470, Pt. A, §79, is further amended to read:

3. Physicians. Physicians, physician assistants, family nurse practitioners, Medicare-certified rural health clinics, professional associations or group practices, excluding laboratories incorporated for the mutual use of physician or group practice owners, registered in the State who operate a medical laboratory exclusively for the examination of their own patients and only perform tests acceptable to the department and the commission, otherwise only sections 2024, 2025 and 2039 apply, provided if that, referred work is received in the laboratory, all provisions of this Act shall apply;

Sec. 2. 22 MRSA §2013, sub-§4, as repealed and replaced by PL 1975, c. 218, is amended to read:

4. Schools and industrial plants. Medical laboratories in a school, college, university or industrial plant which are under the direct supervision of and which services are used exclusively by a duly licensed physician and only perform tests acceptable to the department and the commission, otherwise only sections 2024, 2025 and 2039 apply;

Sec. 3. 22 MRSA §2014, sub-§4, as repealed and replaced by PL 1975, c. 218, is amended to read:

4. Medical laboratory. "Medical laboratory" or "laboratory" means any institution, building or place which provides through its ownership or operation an organization which employs methods and instruments for the examination of blood, tissues, secretions and excretions of the human body or any function of the human body in order to diagnose disease, follow the course of disease, aid in the treatment of such disease or detect drugs or toxic substances or which produces information used as a basis for health advice or which purports to offer such examinations unless otherwise provided by law.

Sec. 4. 22 MRSA §2016, first paragraph, as repealed and replaced by PL 1975, c. 218, is amended to read:

Application shall be made on a form prescribed by the department. Licenses shall be issued to perform testing in one or more of the following categories or specialties: Histocompatibility; microbiology including subcategories bacteriology, mycology, parasitology, virology; immunology or serology including subcategories syphilis and nonsyphilis; chemistry including subcategories routine, clinical microscopy or urinalysis and other including toxicology; hematology, including coagulation; immunohematology including subcategories blood group and Rh typing, Rh titers, cross matching, antibody detection and identification; pathology including subcategories tissue, oral, diagnostic cytology; and radiobioassay. All applications shall be accompanied by a license application fee of \$100 \$200 for the first category and \$60 for each additional category. The fee for adding categories after initial licensure shall be \$20 each