

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
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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AS PASSED AT THE
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 218

H.P. 1097 — L.D. 1488

AN ACT to Update References to Immunities of State Military Forces under the State Tort Claims Act.

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

Sec. 1. 14 MRSA §8102, sub-§1, as amended by PL 1977, c. 696, §165, is further amended to read:

1. Employee. "Employee" means a person acting on behalf of the governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials, volunteer firefighters as defined in Title 30, section 3771, rescue squad members where the rescue squad receives full or partial financial support from political subdivisions, Maine National Guardsmen while in active state service under Title 37-A, sections 57 and 207 receiving state active duty pay under Title 37-B, section 143, in accordance with Title 37-B, sections 181 to 183 and 742, and while engaged in the Domestic Action Program, but the term "employee" shall not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.

Sec. 2. 14 MRSA §8103, sub-§2, ¶E, as enacted by PL 1977, c. 578, §1, is repealed and the following enacted in its place:

E. The activities of the state military forces when receiving state active duty pay under Title 37-B, section 143, in accordance with Title 37-B, sections 181 and 182, intervention in insurrections, and Title 37-B, section 183, human health care emergency assistance.

Effective September 29, 1987.

CHAPTER 219

H.P. 1119 — L.D. 1522

AN ACT Relating to Assignment of Group Health Insurance Benefits.

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

24-A MRSA §2831, as enacted by PL 1969, c. 132, §1, is amended to read:

§2831. Hospital, medical benefits — direct payment

Any such group or blanket policy may include benefits payable on account of hospital or medical or surgical aid

for an employee or other member of the group insured by such policy, his or her spouse, child or children or other dependents, and may provide that, at the insured's option, any such benefits be paid by the insurer directly to the hospital, physician, surgeon doctor, nurse or other person furnishing services covered by such provisions of the policy.

Effective September 29, 1987.

CHAPTER 220

H.P. 1120 — L.D. 1523

AN ACT to Amend the Law Concerning Appeals by Parties Aggrieved by Acts of the Superintendent of Insurance.

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

Sec. 1. 24-A MRSA §229, sub-§2, ¶B, as amended by PL 1973, c. 585, §12, is further amended to read:

B. Upon written application for a hearing by a person aggrieved by any act or impending act, or by any report, rule, regulation or order of the superintendent, other than an order for the holding of a hearing, or order on a hearing, or pursuant to such order, of which hearing such person had notice.

Sec. 2. 24-A MRSA §229, sub-§3, as amended by PL 1973, c. 585, §12, is further amended to read:

3. Any such application must be filed with the superintendent within ~~90~~ 30 days after such person knew or reasonably should have known of such act, impending act, failure, report, rule, regulation or order, unless a different period is provided for by other applicable law, and in which case such other law shall govern. The application shall briefly state the respects in which the applicant is so aggrieved, together with the ground to be relied upon for the relief to be demanded at the hearing. The superintendent may require that the application be signed and sworn to.

Effective September 29, 1987.

CHAPTER 221

S.P. 500 — L.D. 1517

AN ACT to Clarify Eligibility for the Group Accident and Sickness or Health Insurance Program.

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