

# 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.

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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  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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

**Sec. 1.** 11 MRSA §9-104, sub-§5, as reenacted by PL 1977, c. 696, §121, is amended to read:

(5) To a transfer by a government or governmental subdivision or agency other than an Indian tribal government; or

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

Effective June 26, 1987.

## CHAPTER 450

S.P. 522 — L.D. 1637

### AN ACT to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers.

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

**Sec. 1.** 5 MRSA c. 421, sub-c. IV, art. 7 is enacted to read:

#### ARTICLE 7

#### STATE RETIRED TEACHERS' HEALTH INSURANCE FUND

##### §17411. Establishment

The State Retired Teachers' Health Insurance Fund is established to which shall be credited all money provided by the State to pay premiums for group accident insurance and group sickness or health insurance for persons eligible for these payments under Title 20-A, section 13451.

##### §17412. Payment of premium

All premiums for group accident insurance or group sickness or health insurance paid by the retirement system for retired teachers shall be paid from the State Retired Teachers' Health Insurance Fund.

##### §17413. Administration of fund

1. Estimate. Biennially the board shall estimate the amount of money which is deemed necessary to be paid into the State Retired Teachers' Health Insurance Fund during the upcoming biennium to provide for the payment of retired teachers' health insurance premiums and the State shall pay that amount to the State Retired Teachers' Health Insurance Fund for that purpose.

2. Unexpended balance. Any unexpended balance may not lapse, but shall constitute a continuous carrying account.

**Sec. 2.** 20-A c. 505-A is enacted to read:

#### CHAPTER 505-A

#### RETIRED TEACHERS' HEALTH INSURANCE

##### §13451. Group accident and sickness or health insurance for retired teachers

Group accident and sickness or health insurance shall be available to retired teachers as defined in Title 5, section 17001, subsection 42, subject to the following.

1. Eligibility; retired teacher members. Any retired teacher who receives a retirement benefit from the Maine State Retirement System shall be eligible for group accident and sickness or health insurance, provided that the retired teacher also meets the eligibility requirements for participation imposed by the group plan that governed the teacher last as an active teacher and participated in the plan for one year immediately prior to retirement or October 1, 1987, whichever comes last. Retired teachers may not be required to maintain a dues paying membership in any organization as a requirement for participation in a group health insurance plan under this subsection.

2. Master policy certificates. The insurance company or companies or nonprofit organizations, or both, shall furnish the usual master policy and certificates. The original master policy and certificate shall be held by the organization offering the insurance plan and the Commissioner of Administration shall hold a certified copy. Each insured retired teacher-member shall receive a certificate setting forth the benefits to which entitled, to whom payable, to whom claims shall be submitted and summarizing the provisions of the policy principally affecting the retired teacher-member.

3. Payment by State. The State through the Maine State Retirement System shall pay 10% of only the retired teacher members' share of this insurance.

**Sec. 3. Effective date.** This Act shall take effect October 1, 1987.

Effective October 1, 1987.

## CHAPTER 451

H.P. 1290 — L.D. 1768

### AN ACT to Prohibit Initial Service Charges by Public Utilities.

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

Whereas, electric utilities have been assessing initial service charges since May 1, 1987; and

Whereas, unless this legislation is enacted as an emergency measure, the utilities will be required to collect and then refund such charges until the expiration of the 90-day period; 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:

Sec. 1. 35-A MRSA §3153, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 2. 35-A MRSA §3153-A is enacted to read:

§3153-A. Public Utilities Commission to develop proposals to improve electric utility rate design

1. Proposals and programs developed. The commission, as it determines appropriate, shall order electric utilities to develop and submit specific rate design proposals and related programs for implementing energy conservation techniques and innovations, either in conjunction with or independent of any rate-making proceeding pending before the commission. The proposals, as the commission determines, shall be designed to encourage energy conservation, minimize the need for new electrical generating capacity and minimize costs of electricity to consumers, and shall include, but not be limited to, proposals which provide for the development and implementation of:

A. Load management techniques;

B. Rates which reflect marginal costs of services at different voltages, times of day or seasons of the year, including long-run marginal costs associated with the construction of new electric generating facilities;

C. Policies which encourage economic use of fuel and the maximum efficient utilization of natural energy resources indigenous to the State;

D. Rates or other regulatory policies which encourage electric utility system reliability; and

E. Electric utility financing or subsidization of capital improvements undertaken by ratepayers to conserve electricity used by the ratepayers in the future.

2. Hook-up fee prohibited. No electric utility may impose a hook-up fee for the installation or upgrade of an electrical service entrance, except for recovery of the actual direct cost of providing that service entrance.

Sec. 3. Refund. The Public Utilities Commission shall provide by rule or order for the refund to the pay-

ing customer of any hook-up fee collected on or after May 1, 1987, which would not have been permitted under the Maine Revised Statutes, Title 35-A, section 3153-A, subsection 2, as enacted by this Act.

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

Effective June 26, 1987.

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## CHAPTER 452

H.P. 632 — L.D. 855

### AN ACT to Enhance the Productivity of the Workers' Compensation Commission.

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

Whereas, severe delays exist within the State's workers' compensation system, due in part to an increased number of cases to be decided by each workers' compensation commissioner; and

Whereas, these delays cause severe problems for injured workers whose decisions on their cases are delayed, including financial, emotional and other problems; and

Whereas, there is an immediate need to alleviate delay in the workers' compensation system and its accompanying human suffering and an immediate need for an additional workers' compensation commissioner; 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:

39 MRSA §91, sub-§1, as enacted by PL 1983, c. 479, §14, is amended to read:

1. Membership; term. The Workers' Compensation Commission, as established in this section, shall consist of 9 10 members, who shall be persons learned in the law and members of good standing of the bar of this State. They shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary and to confirmation by the Legislature. One of the commissioners, to be designated by the Governor as chairman, shall be appointed for the term of 5 years and the other commissioners for a term of 4 years each.

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

Effective June 26, 1987.

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