

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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

**STATE OF MAINE**

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

---

---

ties Commission shall by rule prescribe without further action by the Public Utilities Commission, unless 50 ratepayers request in writing an investigation of the alterations, in which case the investigation shall be conducted as prescribed in the Maine Revised Statutes, Title 35-A.

2. Department of Transportation. The district shall maintain safe service in accordance with rules promulgated by the Department of Transportation concerning safety.

The district shall provide on each of its vessels an operable radar device and a person qualified to operate the radar device, in accordance with federal regulations and with state rules promulgated by the Department of Transportation under the Maine Revised Statutes, Title 23, section 4406.

**Sec. 5. State agency study and report to the Legislature.** The Department of Transportation, in cooperation with the Public Utilities Commission and the Public Advocate, shall undertake a study of ferry service in Casco Bay and provide to the Governor and Legislature by January 1, 1989, their report presenting joint conclusions and recommendations, including legislative recommendations.

**1. Scope of study.** The study shall examine:

A. The possible effect on the annual revenues and service of the Casco Bay Island Transit District if the present regulation of entry for all ferry service in Casco Bay were replaced by the deregulation of unscheduled service, such as water taxis and on-demand freight service, while granting an exclusive franchise by law to the Casco Bay Island Transit District for scheduled passenger and freight service;

B. Possible modes of continued regulation of entry for ferry service in Casco Bay, including regulation by the Public Utilities Commission, the Department of Transportation, the Casco Bay Island Transit District, the Cumberland County Commissioners, the City of Portland or other alternatives;

C. The question of whether or not the daily year-round scheduled freight and passenger service in Casco Bay would require a General Fund subsidy and an estimate of the cost of such a subsidy under continued regulation of all ferry service and under deregulation of unscheduled service;

D. The anticipated effect on the annual revenues of the Casco Bay Island Transit District of tour, charter and catering revenues. The study shall recommend a definition to clarify the authority granted by Private and Special Law 1981, chapter 22, to the district to engage in "incidental tour and charter service;"

E. The appropriate limits on the service which can be provided by other carriers, including unscheduled

carriers and tour and charter operators, consistent with the franchise of the district;

F. The anticipated effect on tourism-related revenues in the Portland area of additional tour, taxi and unscheduled service in Casco Bay; and

G. The anticipated effect on state administration of piers and wharves from allowing additional carriers to use them for additional freight and passenger service.

**2. Membership of Inter-agency Study Group.** The Inter-agency Study Group shall consist of the following 3 members:

A. The Commissioner of Transportation, or his designee, who shall serve as chairman;

B. The Public Advocate or his designee; and

C. The Chairman of the Public Utilities Commission or his designee.

**3. Information relevant to the completion of study.** Any person or agency who possesses a certificate of public convenience and necessity from the Public Utilities Commission for the provision of freight or passenger service in Casco Bay shall comply with any reasonable request for information relevant to the completion of this study, shall make documents and records available pursuant to such a request and shall cooperate with the Department of Transportation, the Public Advocate and the Public Utilities Commission in their completion of the study. In support of this provision, the Public Utilities Commission may demand information with the full authority and under the conditions of the Maine Revised Statutes, Title 35-A.

**4. Legislative involvement.** The Joint Standing Committee on Utilities shall monitor the progress of the study, review the findings of the Inter-agency Study Group and make recommendations to the First Regular Session of the 114th Legislature, including legislation if necessary.

Effective September 29, 1987.

---

## CHAPTER 476

H.P. 1351 — L.D. 1845

### AN ACT to Amend the Law Relating to Group Life and Health Insurance.

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

Sec. 1. 24-A MRSA §2412, sub-§1, as amended by PL 1973, c. 585, §12, is further amended to read:

1. No basic insurance policy or annuity contract form, or application form ~~where~~ when written application is required and is to be made a part of the policy or contract, or printed rider or endorsement form or form of renewal certificate, ~~shall~~ may be delivered, or issued for delivery in this State, unless the form has been filed with and approved by the superintendent. This provision shall not apply to surety bonds, or to specially rated inland marine risks, or to policies, riders, endorsements or forms of unique character designed for and used with relation to insurance upon a particular subject, or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies and are used at the request of the individual policyholder, contract holder, or certificate holder. This provision shall also apply to "other group" insurance policies, as defined in sections 2612-A and 2808, effectuated and delivered outside this State, but covering persons resident in this State. As to group insurance policies issued outside the State to trustee groups pursuant to sections 2606-A and 2806, and to association groups pursuant to sections 2607-A and 2805-A, the group certificate to be delivered or issued for delivery in this State shall be filed with the superintendent, at least 60 days prior to any solicitation in this State, along with sufficient information concerning the nature of the group, including any trust agreements or association bylaws. The foregoing certificate and information shall be filed for the limited purpose of permitting the superintendent to determine whether the group is a bona fide trustee group, as defined in sections 2606-A and 2806, or a bona fide association group, as defined in sections 2607-A and 2805-A. As to group insurance policies issued to groups, other than those described in this subsection, effectuated and delivered outside this State, but covering persons resident in this State, the group certificates to be delivered or issued for delivery in this State shall be filed, for the superintendent's information only, with the superintendent at his request. As to forms for use in property, marine other than wet marine and transportation insurance, casualty and surety insurance coverages, the filing required by this subsection may be made by rating organizations on behalf of its members and subscribers; but this provision shall not be deemed to prohibit any such member or subscriber from filing any such forms on its own behalf.

Sec. 2. 24-A MRSA §2612-A, sub-§1, as enacted by PL 1981, c. 150, §16, is amended to read:

1. No ~~such~~ group life insurance policy may be delivered in this State, pursuant to this section, unless the superintendent finds that:

A. ~~The issuance of the group policy is not contrary to the best interest of the public policyholder is a bona fide group formed for purposes other than the procurement of insurance;~~

B. The issuance of the group policy would be actuarially sound;

C. The issuance of the group policy would result in ~~economies~~ economies of acquisition or administration; and

D. The benefits are reasonable in relation to the premiums charged.

Sec. 3. 24-A MRSA §2612-A, sub-§2, as enacted by PL 1981, c. 150, §16, is repealed and the following enacted in its place:

2. No group life insurance coverage may be offered in this State, pursuant to this section, by an insurer under a policy issued in another state, unless the superintendent has made a determination that the requirements of subsection 1, paragraphs A, B, C and D have been met.

Sec. 4. 24-A MRSA §2808, sub-§1, as enacted by PL 1981, c. 147, §8, is amended to read:

1. No group health insurance policy may be delivered in this State, pursuant to this section, unless the superintendent finds that:

A. ~~The issuance of the group policy is not contrary to the best interest of the public policyholder is a bona fide group formed for purposes other than procurement of insurance;~~

B. The issuance of the group policy would be actuarially sound;

C. The issuance of the group policy would result in ~~economies~~ economies of acquisition or administration; and

D. The benefits are reasonable in relation to the premiums charged.

Sec. 5. 24-A MRSA §2808, sub-§2, as enacted by PL 1981, c. 147, §8, is repealed and the following enacted in its place:

2. No group health insurance coverage may be offered in this State, pursuant to this section, by an insurer under a policy issued in another state, unless the superintendent has made a determination that the requirements of subsection 1, paragraphs A, B, C and D have been met.

Effective September 29, 1987.

## CHAPTER 477

S.P. 628 — L.D. 1849

### AN ACT to Clarify the Freedom of Access Law.

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