

# 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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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:

Sec. 1. 1 MRSA §402, sub-§2, ¶C, as amended by PL 1977, c. 164, §1, is further amended to read:

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision.

Sec. 2. 1 MRSA §405, sub-§6, ¶A is amended to read:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated shall be permitted to be present at an executive session if he so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against him be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion shall be permitted to be present.

This subsection paragraph does not apply to discussion of a budget or budget proposal;

Sec. 3. 1 MRSA §405, sub-§6, ¶C, as enacted by PL 1975, c. 758, is amended to read:

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

Sec. 4. 1 MRSA §406, as repealed and replaced by PL 1975, c. 758, is amended to read:

#### §406. Public notice

Public notice shall be given for all public proceedings as defined in section 402, if these proceedings are a meeting of a body or agency consisting of 3 or more persons ~~and the body or agency will deal with the expenditure of public funds or taxation, or will adopt policy at the meeting.~~ This notice shall be given in ample time to al-

low public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned. In the event of an emergency meeting, local representatives of the media shall be notified of the meeting, whenever practical, the notification to include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding.

Sec. 5. 1 MRSA §409, sub-§1, as enacted by PL 1975, c. 758, is amended to read:

1. Records. If any body or agency or official, who has custody or control of any public record, shall refuse permission to so inspect or copy or abstract a public record, this denial shall be made by the body or agency or official in writing, stating the reason for the denial, within ~~10~~ 5 working days of the request for inspection by any person. Any person aggrieved by denial may appeal therefrom, within ~~10~~ 5 working days of the receipt of the written notice of denial, to any Superior Court within the State. If a court, after a trial de novo, determines such denial was not for just and proper cause, it shall enter an order for disclosure. Appeals shall be privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by the State against individuals.

Sec. 6. 1 MRSA §410, as enacted by PL 1975, c. 758, is repealed and the following enacted in its place:

#### §410. Violations

For every willful violation of this subchapter, the state government agency or local government entity whose officer or employee committed the violation shall be liable for a civil violation for which a forfeiture of not more than \$500 may be adjudged.

Effective September 29, 1987.

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## CHAPTER 478

S.P. 629 — L.D. 1850

### AN ACT to Enhance Educational Opportunity for Disabled Students.

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

Sec. 1. 5 MRSA §4552, as repealed and replaced by PL 1975, c. 770, §28, is amended to read:

#### §4552. Policy

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of such practices, so that corrective measures may, where possible,