

# 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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**AN ACT to Improve the Ability of the  
Department of Agriculture, Food and Rural  
Resources to Respond Constructively to Complaints  
of Insect Infestation.**

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

17 MRSA §2701-A, as amended by PL 1981, c. 571, §§1 and 2, is repealed and the following enacted in its place:

§2701-A. Action against insect infestation

The Commissioner of Agriculture, Food and Rural Resources, or his designee, shall investigate complaints of insect infestations.

If the commissioner or his designee finds that an insect infestation arises from other than generally accepted agricultural practices and has reason to believe that the infestation is a public nuisance and if he is able to identify the source or sources of the infestation, he shall provide to the person responsible for the infestation a description of the changes necessary to conform the person's practices to generally accepted agricultural practices, shall determine whether the changes have been made and shall give the complainant and the person responsible the written findings of the initial investigation and the follow-up determination. If the person responsible does not adopt generally accepted agricultural practices, the commissioner or his designee shall refer the matter to the Attorney General. The Attorney General may institute an action to abate the nuisance and the court may order the abatement with costs as provided under this chapter. When the commissioner or his designee, upon investigation, finds that the person responsible for an infestation is following generally accepted agricultural practices, he shall advise the complainant and the person responsible in writing.

The commissioner shall adopt rules, according to the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, for the interpretation and implementation of this section.

In cases of insect infestations not arising from agricultural activities, when the State Entomologist believes that the infestation is a public nuisance and is able to identify the source or sources of the infestation, he shall refer the matter to the Department of the Attorney General.

Effective September 29, 1987.

## CHAPTER 480

S.P. 561 — L.D. 1674

**AN ACT to Continue Insurance Coverage for  
Mental Health, Alcohol and Substance Abuse  
Treatment Services for Maine Citizens.**

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

Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(44-B) is enacted to read:

<u>(44-B)</u>	<u>Insurance</u>	<u>Mandated Benefits Advisory Commission</u>	<u>Expenses Only</u>	<u>24 MRSA §2325-B</u>
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Sec. 2. 24 MRSA §2325-A, sub-§9, as enacted by PL 1983, c. 515, §4, is repealed and the following enacted in its place:

9. Application; expiration. The requirements of this section shall apply to all policies and any certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1984. For purposes of this section, all contracts shall be deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 3. 24 MRSA §2325-B is enacted to read:

§2325-B. Mandated Benefits Advisory Commission

1. Appointment; membership. The Mandated Benefits Advisory Commission, as established by Title 5, section 12004, subsection 10, shall be comprised of 11 members to be appointed by the Governor within 90 days of the effective date of this legislation. The Governor shall notify the President of the Senate, the Speaker of the House and the Executive Director of the Legislative Council of the appointment as soon as they are made.

The membership shall include the following:

- A. Two health insurance consumers who are not otherwise affiliated with the provision or financing of health care;
- B. One representative of a labor organization;
- C. One representative of a commercial health insurance company;
- D. One representative of a nonprofit hospital or medical service organization;
- E. One representative of a licensed alcohol and substance abuse treatment program;
- F. One representative of a licensed mental health treatment program;
- G. One representative of small business;
- H. One representative of a major industry and business trade association;
- I. One physician; and

J. One representative of the hospital industry.

2. Ex officio member. A representative of the Superintendent of Insurance shall serve on the committee as an ex officio nonvoting member.

3. First meeting; commission chairman. The Chairman of the Legislative Council shall call the first meeting. The commission shall select a chairman from among its members.

4. Commission responsibilities. This commission shall meet 3 times annually to develop, with the bureau, a system and program of data collection to assess the impact of mandated benefits, including costs to employers and insurers, impact of treatment, cost savings in the health care system, number of providers and other data as may be appropriate.

The commission shall study mandated benefits in the context of alternative delivery systems.

The Mandated Benefits Advisory Commission shall also advise and assist the Bureau of Insurance on matters relating to mandated insurance benefits regulations.

The commission shall report on its activities to the joint standing committee of the Legislature having jurisdiction over insurance during the first regular session of each Legislature.

5. Staff. The Bureau of Insurance shall provide staffing assistance to the commission.

Sec. 4. 24 MRSA §2329, sub-§10, as enacted by PL 1983, c. 527, §1, is repealed and the following enacted in its place:

10. Application; expiration. The requirements of this section shall apply to all policies and any certificates or contracts executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1984. For purposes of this section, all contracts shall be deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 5. 24-A MRSA §2842, sub-§10, as enacted by PL 1983, c. 527, §2, is repealed and the following enacted in its place:

10. Application; expiration. The requirements of this section shall apply to all policies and any certificates or contracts executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1984. For purposes of this section, all contracts shall be deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 6. 24-A MRSA §2843, sub-§8, as enacted by PL 1983, c. 515, §6, is repealed and the following enacted in its place:

8. Application; expiration. The requirements of this section shall apply to all policies and any certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1984. For purposes of this section, all contracts shall be deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</u>		
Bureau of Insurance		
Positions	(1.0)	(1.0)
Personal Services	\$15,929	\$22,513
All Other	2,000	2,000
Capital Expenditures	500	
Provides funds for a Statistician I position and related expenses to assist the Mandated Benefits Advisory Commission.		
Mandated Benefits Advisory Commission		
All Other	\$1,500	\$1,500
Provides funds for the expenses of commission members to attend 3 meetings annually.		
Total	<u>\$19,929</u>	<u>\$26,013</u>

Effective September 29, 1987.

**CHAPTER 481**

**S.P. 635 — L.D. 1858**

**AN ACT to Amend the Maine Product Liability Risk Retention Act.**

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

Sec. 1. 24-A MRSA §427, sub-§8, as enacted by PL 1985, c. 524, §4, is repealed and the following enacted in its place:

8. Liability coverage as defined in chapter 71 issued to a risk retention group, a purchasing group or any member of those groups.

Sec. 2. 24-A MRSA c. 69 is repealed.

Sec. 3. 24-A MRSA c. 71 is enacted to read:

CHAPTER 71