

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

~~Executive Director, Retirement System;~~
 Director of Public Lands;
 State Librarian;
 Director of Employee Relations;
 Director, Bureau of Air Quality Control;
 Director, Bureau of Land Quality Control;
 Director, Bureau of Water Quality Control; and
 Director, Bureau of Oil and Hazardous Materials Control.

Sec. 3. 2 MRSA §6, sub-§5, as amended by PL 1987, c. 511, Pt. A, §1, is further amended to read:

5. Range 86. The salaries of the following state officials and employees shall be within salary range 86:

Director of Labor Standards;
 Deputy Chief of the State Police;
 Director of State Lotteries;
 State Archivist;
 Director of Maine Geological Survey;
 Executive Director, Maine Land Use Regulation Commission;
 Director of the Risk Management Division;
 Chairman, Maine Unemployment Insurance Commission;
 Director of the Bureau of State Employee Health; ~~and~~
 Child Welfare Services Ombudsman; and
Deputy Director, Retirement System.

Sec. 4. 5 MRSA §17102, sub-§1, ¶¶D and E, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

D. ~~Three~~ Four persons appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over aging, veterans and retirement and to confirmation by the Legislature:

- (1) At least 2 of whom shall be qualified through training or experience in the field of investments, accounting, banking, insurance or law; ~~and~~
- (2) One of whom shall be selected from a list of 3 nominees submitted by the Maine Retired Teachers' Association; and

(3) One of whom shall be the recipient of a retirement allowance through the retirement system and who shall be selected from a list or lists of nominees submitted by retired state employees, retired participating local district employees or a committee comprised of representatives of these groups; and

E. A person who is a member of the retirement system through a participating local district and who shall be appointed by the governing body of the Maine Municipal Association; ~~and,~~

Sec. 5. 5 MRSA §17102, sub-§1, ¶F, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 6. **Transition provision.** Members of the Board of Trustees of the Maine State Retirement System who have been appointed to terms extending beyond the effective date of this Act shall continue to serve for their appointed terms of office and shall serve until their successors are appointed and qualified.

Sec. 7. **Allocation.** The following funds are allocated from the Expense Fund of the Maine State Retirement System to carry out the purposes of this Act.

1988-99

MAINE STATE RETIREMENT SYSTEM, BOARD OF TRUSTEES OF THE

Retirement System — Administration

Positions	(1)
Personal Services	\$0

Authorizes a new deputy director position.

Effective August 4, 1988.

CHAPTER 716

S.P. 964 — L.D. 2556

AN ACT to Authorize the Maine Self-Insurance Guaranty Association to Act as a Statistical Advisory Organization.

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

Whereas, it is vitally important for self-insurers to be able to report data to the Superintendent of Insurance in accordance with the Maine Revised Statutes, Title 24-A, section 2371; and

Whereas, the statistical gathering function needed to be able to report data to the superintendent must commence immediately in order to meet the reporting deadlines; 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. 24-A MRSA §2367, first ¶, as enacted by PL 1987, c. 559, §4, is amended to read:

Beginning in 1990, the superintendent shall annually determine, after hearing but on or before ~~February~~ March 15th of each year, whether premiums collected from risks in the residual market and investment income allocable to those premiums are greater or less than the incurred losses and expenses associated with that market. In establishing surcharges under this section, the superintendent may approve application of surcharges to policies issued on or after January 1st, but prior to the date of ~~his~~ the superintendent's order, provided that the policies contain language approved by the superintendent which is sufficient to notify policyholders that they may be subject to surcharges approved after the effective date of their policies. For purposes of this section, the residual market shall be the Accident Prevention Account and the Safety Pool. For purposes of this section, "deficit" means the amount by which incurred losses and expenses associated with the residual market exceed premiums collected from risks in that market and investment income allocable to those premiums. The superintendent shall also determine whether insurers have in good faith made their best efforts to maximize the number of risks in the voluntary market for workers' compensation insurance in the State. The superintendent may make timely and appropriate requests for any data deemed necessary by the superintendent to make these determinations.

Sec. 2. 24-A MRSA §2367, sub-§2, ¶C, as enacted by PL 1987, c. 559, §4, is amended to read:

C. Beginning in 1991, the superintendent, after hearing and only if the rates in the entire workers' compensation market are inadequate to produce a reasonable rate of return, shall determine as of ~~November~~ March 15th of each year whether insurers have in good faith made their best efforts to maximize the number of risks in the voluntary market. If the superintendent's determination is affirmative, the surcharge in paragraph A shall be applied.

If the determination is negative, then the superintendent shall determine the percentage of workers' compensation insurance, by premium volume, that has been written voluntarily statewide. If the premium volume in the voluntary market is greater than or equal to the amount specified in the table below, then the surcharge in paragraph A shall be applied.

Policy Year	Premium Volume
1989	50%
1990	60%
1991 and later	70%

Sec. 3. 39 MRSA §23-A, sub-§14 is enacted to read:

14. Statistical advisory organization. The association is authorized to act as the statistical advisory organization designated by the Superintendent of Insurance to collect and report data for self-insurers in accordance with Title 24-A, section 2371. All individual and group self-insurers shall be subject to this subsection as a condition of authority to self-insure in this State. The association is authorized to amend its plan of operation adopted pursuant to subsection 5 or to adopt a separate plan of operation to further the purposes of this subsection. The amendment or plan shall provide for an equitable method of distributing the reasonable and necessary costs of performing the data collection and reporting functions required by law and rules adopted by the superintendent, which method may include the assessment of all individual and group self-insurers, the assessment of nonmember self-insurers, the use of other funds available to the association or some combination of the foregoing methods. Any assessment shall be made equitably and may be done on the basis of claims paid, the annual standard premium as set forth in subsection 4 or any other basis approved by the association. For purposes of this subsection, nonmember self-insurers shall comply with the association's plan of operation.

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

Effective April 13, 1988.

CHAPTER 717

H.P. 1553 — L.D. 2113

AN ACT to Protect Maine's Outstanding Rivers from Water Diversion Projects.

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

Whereas, the Legislature enacted Public Law 1983, chapter 458, "AN ACT to Promote the Wise Use and Management of Maine's Outstanding River Resources.", otherwise known as the Maine Rivers Act, a comprehensive legislative program, which sought to strike a carefully considered and well-reasoned balance among the competing uses of the State's rivers and streams; and

Whereas, an integral part of that Act was the special protection afforded to approximately 1100 miles of the State's most outstanding river stretches, because of their