

# 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.

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Twin City Printery  
Lewiston, Maine  
1988

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**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

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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.

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## 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

unparalleled natural and recreational values, out of a total of 32,000 miles of rivers and streams in the State; and

Whereas, the Legislature recognized in 1983 that construction of new dams and reconstruction of existing dams on these particular outstanding river stretches could jeopardize their unparalleled natural and recreational values. Therefore, the Legislature prohibited the construction of new dams without specific Legislative approval and permitted the redevelopment of existing dams only if the significant resource values of these river segments would not be diminished; and

Whereas, since the passage of the Maine Rivers Act it has become clear to the Legislature that hydropower water diversion projects at or near these outstanding river stretches are technically possible as an alternative to the construction of new dams on or near the river segments; and

Whereas, the hydropower water diversions jeopardize the unparalleled natural and recreational values of the State's outstanding river segments in the same way as do new dams, by changing the water flow regime and otherwise altering the natural river ecosystem; and

Whereas, in passing the Maine Rivers Act it was always the Legislature's intent to fully protect these river segments from the harmful environmental effects of the projects, whether they arise from dams or hydropower water diversions; 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.** 12 MRSA §403, first and 2nd ¶¶, as enacted by PL 1983, c. 458, §1, are amended to read:

The Legislature declares that certain rivers, because of their unparalleled natural and recreational values, provide irreplaceable social and economic benefits to the people in their existing state. It is the Legislature's intent that no new dams be constructed on these river and stream segments without the specific authorization of the Legislature, that no new water diversion, which would constitute a hydropower project pursuant to Title 38, section 632, and which would bypass all or part of the natural course of these river and stream segments, be constructed without the specific authorization of the Legislature and that additional development or redevelopment of dams existing on these segments, as of the date of the enactment of this section September 23, 1983, shall be designed and executed in a manner that either enhances or does not diminish the significant resource values of these river segments identified by the 1982 Maine Rivers Study. No license or permit under Title 38, sections 630

to 636 may be issued for construction of new dams on the river and stream segments subject to this special protection without the specific authorization of the Legislature, for the construction of any water diversion project which would constitute a hydropower project pursuant to Title 38, section 632, and which would bypass all or part of the natural course of river and stream segments subject to this special protection without the specific authorization of the Legislature or for additional development or redevelopment of existing dams on the river and stream segments subject to this special protection where the additional development or redevelopment diminishes the significant resource values of these river and stream segments.

Further, the Legislature finds that projects inconsistent with this policy on new dams and diversion projects, which constitute hydropower projects pursuant to Title 38, section 632, and redevelopment of existing dams will alter the physical and chemical characteristics and designated uses of the waters of these river and stream segments. It finds that these impacts are unacceptable and constitute violations of the state's State's water quality standards. The Legislature directs that no project which fails to meet the requirements of this section may be certified under the United States Clean Water Act, Section 401.

**Sec. 2.** 12 MRSA §403-A is enacted to read:

**§403-A. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Existing dam. "Existing dam" means any man-made barrier across a river segment identified in this chapter which impounds water and has not deteriorated or been breached or modified to the point where it no longer impounds water at 50% or more of its design level at normal flows.

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

Effective April 14, 1988.

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## CHAPTER 718

H.P. 1717 — L.D. 2356

**AN ACT to Require Service Stations to Post the Price of Fuel Sold.**

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

**10 MRSA §1661-A is enacted to read:**

§1661-A. Requirement for gasoline stations to post prices of fuels sold