

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

shall proclaim that fact without delay and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 121

S.P. 861 — L.D. 2249

AN ACT to Study Alternative Dispute Resolution in the Superior Court.

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

Sec. 1. Pilot program; report. The Judicial Council shall carry out a pilot program extending the process of mediation to Superior Court civil cases. The program shall commence on September 1, 1988 and terminate on March 1, 1990. It shall be conducted on the terms and conditions established by the council with the approval of the Supreme Judicial Court. The council shall submit a final report to the Legislature accompanied by its recommendations, including any necessary implementing legislation, no later than July 1, 1990.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

JUDICIAL DEPARTMENT

Judicial Council

All Other \$40,500

Effective August 4, 1988.

CHAPTER 122

S.P. 920 — L.D. 2411

AN ACT to Require the Study of the Laws Regulating Antitrust Activities of the Insurance Industry.

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

Whereas, there is confusion as to whether state antitrust laws apply to the insurance industry; and

Whereas, this study needs to begin in May in order to be completed by December 15, 1988; 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. Study. The Joint Standing Committee on Banking and Insurance shall study the feasibility and necessity of amending state antitrust laws as they relate to the insurance industry. In addition, the committee shall study the role of rating, advisory, and trade organizations in the rate-making process and in relation to antitrust laws.

Sec. 2. Findings. The committee shall report its findings and any recommended legislation to the 113th Legislature by December 1, 1988.

Sec. 3. Meetings. The committee chairmen shall appoint a subcommittee of 7 committee members to study these issues. The Senate chairman and House chairman shall serve as cochairmen of the subcommittee. This subcommittee may meet up to 5 times to conduct public hearings or to study information related to these issues. In addition, the subcommittee shall meet one time with the full committee to report its findings.

Sec. 4. Compensation. Committee members shall receive legislative per diem and expenses, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at committee meetings.

Sec. 5. Staff; assistance. The Legislative Council shall provide staff to the committee. The Bureau of Insurance and the Department of the Attorney General shall provide other information and assistance as needed to the committee.

Sec. 6. Travel; experts; consultants; assessment. The committee may travel to review a rating or advisory organization, hire consultants or seek expert advice. The Superintendent of Insurance shall assess insurers up to \$20,000 in the same manner of assessment as defined in Title 24-A, section 237, for these expenses. The superintendent shall deposit all payments made pursuant to this section with the Treasurer of the State. The money shall be used for the sole purpose of paying the expenses authorized in this section.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1987-88 1988-89

LEGISLATURE

Study Commissions — Funding

Personal Services	\$ 770	\$1,870
All Other	700	3,800
Total	\$1,470	\$5,670

Provides for the per diem, travel and related expenses of a 7-member subcommittee of the Joint Standing Committee on Banking and Insurance for subcommittee meetings.

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	<u>1987-88</u>
<u>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</u>	
Bureau of Insurance	
All Other	\$ 20,000

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

Effective April 27, 1988.

CHAPTER 123

S.P. 771 — L.D. 2028

AN ACT to Appropriate Funds for Structural Repairs to the Woodbury Pond Dam.

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

Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1988-89</u>
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>	
Public Dam Repairs	
All Other	\$17,500
Provides funds for repairs of a public dam at Woodbury Pond which controls the water levels on Tacoma Lakes. These funds shall be matched at the local level on a one-to-one basis. No state funds shall be expended until the local match has been provided.	

Effective August 4, 1988.

CHAPTER 124

H.P. 1798 — L.D. 2462

AN ACT Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989.

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

Whereas, certain obligations and expenses incident to the operation of certain departments will become due and payable on or immediately after July 1, 1988; 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. Allocation of Alcoholism Prevention, Education, Treatment and Research Fund. Income to the Alcoholism Prevention, Education, Treatment and Research Fund for fiscal year 1988-89 shall be segregated, apportioned and disbursed as designated in the following schedule:

	<u>1988-89</u>
<u>CORRECTIONS, DEPARTMENT OF</u>	
Correctional Services	
Positions	(4 1/2)
Personal Services	\$ 114,738
All Other	428,949
DEPARTMENT OF CORRECTIONS TOTAL	\$ 543,687
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>	
Alcohol and Drug Education Services	
Positions	(16)
Personal Services	\$ 476,435
All Other	613,450
Capital Expenditures	13,500
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES TOTAL	\$1,103,385
<u>HUMAN SERVICES, DEPARTMENT OF</u>	
Alcohol and Drug Planning	
Positions	(1)
Personal Services	\$ 44,389
All Other	51,311
Capital Expenditures	2,500
Total	\$ 98,200
Alcohol and Drug Abuse Planning Committee	