

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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## CHAPTER 66

H.P. 282 - L.D. 394

**An Act to Extend the Toll Call Discount  
Given to Deaf, Hearing Impaired or  
Speech Impaired Persons**

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

**35-A MRSA §7302, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**1. Rate reduction.** The commission shall establish a 70% rate reduction for intrastate toll calls from deaf and hearing impaired and speech impaired persons who must rely on teletypewriters for residential telephone communications. This reduction shall also apply to intrastate toll calls made by agencies, certified by the Division of Deafness in the Department of Human Services as eligible to receive a discount, while providing vocal relay services to deaf, hearing impaired and speech impaired persons, as well as to community service centers serving deaf, hearing impaired and speech impaired persons, certified by the Division of Deafness of the Department of Human Services as eligible to receive a discount. The costs incurred by a telephone company under this subsection are just and reasonable expenses for rate-making purposes.

See title page for effective date.

## CHAPTER 67

S.P. 286 - L.D. 750

**An Act to Amend the Laws Relating to the Maine  
Insurance Guaranty Association and the Maine  
Life and Health Insurance Guaranty Association**

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

**Whereas**, the Maine Insurance Guaranty Association and the Maine Health and Life Insurance Association are organizations which provide guaranty funds which ensure payment of claims to covered individuals and organizations when insurers become insolvent; and

**Whereas**, the funding mechanism for these organizations needs to be modified to ensure that the guaranty funds will be sufficient to cover claims on an ongoing basis; and

**Whereas**, the funding mechanism needs to be modified immediately in order that the funds will have sufficient assets to cover claims of individuals insured by companies which have recently become insolvent; 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 §4433, sub-§2**, as amended by PL 1987, c. 707, §§4 - 6, is further amended to read:

**2. Exceptions.** ~~Except that this~~ This subchapter shall not apply as to:

- A. Contracts of reinsurance;
- B. Mortgage guaranty insurance;
- C. Credit insurance;
- D. Insurance contracts procured as surplus lines coverage pursuant to chapter 19;
- E. Title insurance; ~~and~~
- F. Financial guaranty insurance: ; and
- G. Contracts of workers' compensation excess insurance issued to workers' compensation self-insurers approved under Title 39, section 23 by any insurer after the effective date of this paragraph, or in the case of a contract which automatically renews, not later than one year after the effective date of this paragraph.

**Sec. 2. 24-A MRSA §4435, sub-§6**, as amended by PL 1987, c. 769, Pt. B, §5, is further amended to read:

**6. Member insurer.** "Member insurer" means any authorized insurer which writes any kind of insurance to which this subchapter applies. If an insurer is authorized at the time of an insolvency and subsequently is approved to withdraw its license authority for the kinds of insurance covered by any account to which claims relating to the insolvency are allocated, the withdrawn insurer shall continue to be a member of each account solely for purposes of assessments relating to claims resulting from the insolvency until these claims are paid or otherwise extinguished.

**Sec. 3. 24-A MRSA §4435, sub-§7**, as amended by PL 1985, c. 279, §2, is further amended to read:

**7. Net direct written premiums.** "Net direct written premiums" means direct gross premiums written on insurance policies to which this subchapter applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers or premiums written through the United States Government Flood Insurance Program. For purposes of assessment against insurers pursuant to section 4440-B, "net direct written premium" means the average for the 5 calendar years prior to the year of assessment of premiums written on contracts of excess workers' compen-