

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

reform programs designed to improve opportunities for persons with mental illness;

4. **Recommendations concerning state mental health institutes.** To make recommendations to the ~~commissioner~~ commissioner on the management of the state mental health institutes. These recommendations shall include, but not be limited to, those prepared by the subcommittee on state mental health institute;

5. **Subcommittee on state mental health institutes.** To create a subcommittee from the membership of the commission ~~exclusively~~ to monitor and evaluate the state mental health institutes. The subcommittee shall ~~monitor and evaluate the development and implementation of standards of care and treatment at the state mental health institutes and inspect the institutes~~ assist in the development of standards of care and treatment for patients at the Augusta Mental Health Institute and the Bangor Mental Health Institute;

6. **Staff; compensation.** To appoint a full-time executive director who shall serve at the pleasure of the commission and who shall not be subject to the civil service laws or approval of the department, the Governor or the Legislature. The executive director is entitled to compensation in an amount to be determined by the commission within the same pay range authorized for the Executive Director of the Human Services Council. The executive director shall perform those duties as assigned by the commission. The commission may employ a secretary as it deems necessary. The commission may request department staff, as needed, to assist the commission in carrying out its functions and duties. The executive director may make recommendations to the commission;

7. **Meetings.** To conduct public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to problems of persons with mental illness in Maine;

8. **Advise.** To act in an advisory capacity to the commissioner in the development of the state mental health plan and in the appointment of a Director of the Bureau of Mental Health. The commission shall act in an advisory capacity to the commissioner, the Governor and the Legislature on mental health matters; ~~and~~

9. **State mental health plan.** To participate in the development of the state mental health plan required by section 3006-; and

10. **Prepare legislation.** To prepare legislation for submission to the Legislature to implement any of its recommendations.

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

Effective June 16, 1989.

CHAPTER 336

S.P. 402 - L.D. 1046

An Act to Reduce the Quantities of Cocaine and Heroin Necessary to Allow a Presumption of Trafficking

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

17-A MRSA §1103, sub-§3, as amended by PL 1987, c. 535, §1, is further amended to read:

3. A person shall be presumed to be unlawfully trafficking in scheduled drugs if ~~he~~ the person intentionally or knowingly possesses more than 2 pounds of marijuana, ~~28~~ 14 grams or more of cocaine or ~~28~~ 4 grams or more of heroin.

See title page for effective date.

CHAPTER 337

H.P. 953 - L.D. 1321

An Act to Facilitate the Establishment and Enforcement of Child Support and Health Insurance Obligations and to Clarify the Law Concerning the Modification of Child Support Orders

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

Sec. 1. 19 MRSA §214, sub-§9, as amended by PL 1989, c. 156, §1, is further amended to read:

9. **Support order.** The court may order either parent of a minor child to contribute reasonable and just sums as child support payable weekly, monthly or quarterly. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support. The court shall inquire of the parties concerning the existence of a child support order entered pursuant to subchapter V. If such an order exists, the court shall consider its terms in establishing a child support obligation.

After January 1, 1990, the court may order either parent to provide child support beyond the child's 18th birthday if the child is attending secondary school as defined in Title 20-A, section 1, until the child graduates, withdraws or is expelled from secondary school or attains the age of 19, whichever first occurs.

The court's order may include a requirement for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child. ~~If medical, hospitalization or dental insurance coverage for his child is available to an obligated parent on a group basis through his employment or other affiliation, the court's order shall in-~~

~~elude a provision requiring the obligated parent to obtain and maintain that coverage on behalf of his child. The court order shall include a provision requiring the obligated parent to obtain and maintain health insurance coverage for medical, hospitalization and dental expenses, if health insurance is available to the obligated parent at reasonable cost. The court order shall also require the obligated parent to furnish proof of coverage to the obligee within 15 days of receipt of a copy of the court order. For the purposes of this section, health insurance shall be considered reasonable in cost if it is employment-related or other group health insurance. If health insurance is not available at reasonable cost at the time of the hearing, the court order shall establish the obligation to provide health insurance on the part of the obligated parent effective immediately upon insurance being available at reasonable cost. The court may enforce a support order as provided in chapter 14-A.~~

Sec. 2. 19 MRSA §214, sub-§11, as amended by PL 1987, c. 179, §1, is further amended to read:

11. Modification or termination. Any order for parental rights and responsibilities with respect to a minor child may be modified or terminated as circumstances require upon the petition of one or both of the parents. Child support orders may be modified retroactively, but only from the date that notice of a petition for modification has been served upon the opposing party pursuant to the Maine Rules of Civil Procedure. The parties shall be referred to mediation as under subsection 4.

The relocation, or intended relocation, of a child resident in this State to another state by a parent, when the other parent is a resident in this State and there exists an award of shared or allocated parental rights and responsibilities concerning the child, is a substantial change in circumstances.

Sec. 3. 19 MRSA §498, as amended by PL 1989, c. 156, §4, is further amended to read:

§498. Determination of current support obligation, support debt and health insurance and medical expense obligation in absence of court order

~~If no court order of support exists, the department may, by hearing and other procedures set forth below, establish a periodic payment to satisfy the responsible parent's support obligation under sections 442 and 443, establish the debt accrued under section 495, establish a periodic payment to satisfy that debt and establish the responsible parent's obligation to maintain medical insurance coverage and to provide payment for other medical expenses incurred on behalf of that parent's dependent children. Notwithstanding sections 442 and 443, after January 1, 1990, the responsible parent's support obligation shall continue beyond the child's 18th birthday if the child is attending secondary school as defined in Title 20-A, section 1, until the child graduates, withdraws or is expelled from secondary school or attains the age of 19, whichever first occurs.~~

If no court order of support exists, the department, by hearing, on its own behalf or on behalf of another state or another state's instrumentality, may establish a periodic

payment to satisfy the responsible parent's current support obligation under sections 442 and 443, establish the responsible parent's debt accrued under section 495, and establish the responsible parent's obligation to maintain health insurance coverage for any dependent children and to provide payment for other medical expenses incurred on behalf of the dependent children by the department or by another state or another state's instrumentality, by the other parent or any other person with whom the children reside. The department acting on behalf of another state or another state's instrumentality or a person residing in another state shall constitute good cause within the meaning of Title 5, section 9057, subsection 5. Notwithstanding sections 442 and 443, after January 1, 1990, the responsible parent's support obligation shall continue beyond the child's 18th birthday if the child is attending secondary school as defined in Title 20-A, section 1, until the child graduates, withdraws or is expelled from secondary school or attains the age of 19, whichever first occurs.

1. Notice of hearing. The department shall serve on the responsible parent a notice of hearing not less than 20 days before the date of the hearing.

2. Contents of notice. In addition to conforming with the requirements of the Maine Administrative Procedure Act, Title 5, section 9052, subsection 4, the notice shall contain:

A. A statement of the debt accrued or accruing under section 495;

B. A statement of the periodic public assistance;

C. A statement of the name of the recipient of the public assistance and the names of dependent children;

D. A statement of rights at the hearing;

E. A statement that if the responsible parent fails to appear, the stated accrued debt, periodic support payments in the future, medical insurance coverage and payment of noncovered medical expenses shall be assessed and enforced by collection action;

F. A statement that the property of the responsible parent may be subject to lien and foreclosure, administrative seizure and disposition, order to withhold and deliver or other collection actions and that any debt determined to be owed by the responsible parent may be reported to a consumer reporting agency;

G. A statement that ~~the responsible parent may be liable for medical insurance coverage for his dependents, if the hearing officer determines that such coverage is available to the responsible parent through an employer or other group affiliation at reasonable cost or if current coverage could be extended to include the dependent children~~ department will seek to establish a health insurance obligation on the part of the responsible parent; that the

hearing officer will establish such an obligation effective immediately if it is determined that health insurance is available to the responsible parent at reasonable cost; that health insurance is considered reasonable in cost if it is employment-related or other group health insurance; and that if it is determined that health insurance is not available at reasonable cost at the time of the hearing, the hearing officer will establish such an obligation on the part of the responsible parent to be effective immediately upon insurance being available at reasonable cost; and

H. A statement that the failure of the responsible parent to maintain any required medical insurance coverage may result in the responsible parent's liability for all medical expenditures made by the department on behalf of the dependent children.

3. Action upon failure to appear. If the responsible parent fails to appear at the hearing on the date specified by the notice of debt, the hearing officer shall enter a decision pursuant to subsection 4, paragraph B. Within 30 days of service of the decision, the responsible parent may petition the department to vacate the decision if the responsible parent can show any grounds which would permit relief from judgment in a civil action.

4. Hearing.

A. The hearing shall be conducted according to rules promulgated by the commissioner. The rules shall provide at least the right to confront and cross-examine witnesses, to present witnesses, to be represented by an attorney or other person and to be notified of these rights in writing. The decision shall be limited to evidence presented at the hearing.

B. ~~The decision shall include a statement of the responsibility of the alleged responsible parent, a statement of the periodic support payment constituting the current support obligation, the amount of public assistance debt accrued, the periodic payment against the accrued debt and the liability of the responsible parent to maintain medical insurance coverage and to provide payment for other medical expenses and the obligation of the responsible parent to maintain health insurance coverage for any dependent children and to provide payment for other medical expenses and shall require the responsible parent to provide written proof to the department of the existence of the required health insurance coverage within 15 days of that parent's receipt of the decision. A copy of the decision shall be served upon the responsible parent. Written notice of the responsible parent's right to review or appeal of the decision within the department or review of the decision by the courts, as the case may be, and of the action required and the time within which the action shall be taken in order to exercise the right of review or appeal shall be given to the responsible parent with the decision. The department shall provide written notice to the responsible parent with its decision of that parent's right to administrative review of the~~

decision within the department or review of the decision by the courts and of the action required and the time within which the action shall be taken to exercise the right of administrative or judicial review. A review of the decision within the department, except pursuant to subsection 3, shall be is limited to a review of the record generated by the original hearing.

C. The person conducting the hearing shall consider, when deciding on the amount of periodic payment and the availability of medical insurance coverage, at least the following criteria:

- (1) The need of the child;
- (2) The income, real property and personal property of the responsible parent;
- (3) The ability of the responsible parent to borrow;
- (4) The ability of the responsible parent to earn;
- (5) The amount of support debt accrued and accruing;
- (6) The need of the responsible parent;
- (7) The responsibility of the responsible parent for other dependents; but in any case the child for whom support is sought must benefit as much as any other dependent from the income and resources of the responsible parent;
- (8) The responsibility of the responsible parent for creating ~~his own~~ an unstable financial condition by voluntarily incurring subsequent obligations. This condition shall not relieve ~~him~~ the parent of ~~his~~ the duty to provide support;
- (9) The availability of employer-based medical insurance coverage at a reasonable cost to the responsible parent; and
- (10) The availability of current medical coverage to the responsible parent which could be extended to include the dependent child.

5. Initiation of collection. The decision of the department in the hearing shall establish the debt of the responsible parent. The department may collect the debt after service of the decision in the hearing.

6. Subsequent court order. An administrative decision under this section shall remain in effect until superseded by a subsequent court order, or subsequent administrative hearing.

7. **Enforcement under section 448-A.** An administrative decision under this section shall be treated as a support obligation for purposes of enforcement under section 448-A.

Sec. 4. 19 MRSA §498-A, as amended by PL 1989, c. 156, §5, is repealed and the following enacted in its place:

§498-A. Determination of current support obligation and health insurance and medical expense obligation in absence of court order

If no court order of support exists, the department by hearing on behalf of any individual or governmental applicant for services under section 448-A, or on behalf of any person entitled by federal statute to support enforcement services as a former recipient of public assistance, may establish a periodic payment to satisfy the responsible parent's current support obligation under sections 442 and 443, and establish the responsible parent's obligation to maintain health insurance coverage for any dependent children and to provide payment for other medical expenses incurred on behalf of the dependent children by the other parent of the children or by any other person with whom the children reside. The department acting on behalf of another state or another state's instrumentality or a person residing in another state shall constitute good cause within the meaning of Title 5, section 9057, subsection 5. Notwithstanding sections 442 and 443, after January 1, 1990, the responsible parent's support obligation shall continue beyond the child's 18th birthday if the child is attending secondary school as defined in Title 20-A, section 1, until the child graduates, withdraws or is expelled from secondary school or attains the age of 19, whichever first occurs.

1. Notice of hearing. The department shall serve on the responsible parent a notice of hearing not less than 20 days before the date of the hearing.

2. Contents of notice. In addition to conforming with the requirements of the Maine Administrative Procedure Act, Title 5, section 9052, subsection 4, the notice shall contain:

A. A statement that the obligee has applied to the department pursuant to section 448-A, to establish a child support obligation;

B. A statement of the names of the dependent children for whom support is being sought;

C. A statement that the department will seek to establish a health insurance obligation on the part of the responsible parent; that the hearing officer will establish such an obligation effective immediately if it is determined that health insurance is available to the responsible parent at reasonable cost; that health insurance will be considered reasonable in cost if it is employment-related or other group health insurance; and that if it is determined that health insurance is not available at reasonable cost at the time of the hearing, the hearing officer will establish an obligation on the part of the responsible parent to be

effective immediately upon insurance being available at reasonable cost;

D. A statement that the responsible parent may be ordered to pay for medical, dental, optical and hospital expenses incurred for the benefit of that parent's dependent children, if the hearing officer determines that the responsible parent has sufficient assets to cover those expenses;

E. A statement that if the responsible parent fails to appear, periodic support payments in the future, medical insurance coverage and payment of non-covered medical expenses shall be assessed and enforced by collection action;

F. A statement that the property of the responsible parent may be subject to lien and foreclosure, administrative seizure and disposition, order to withhold and deliver or other collection actions and that any debt determined to be owed by the responsible parent may be reported to a consumer reporting agency;

G. A statement of rights at the hearing; and

H. A statement that the failure of the responsible parent to maintain any required medical insurance coverage may result in liability for all medical expenditures made by the department on behalf of the dependent children.

3. Action upon failure to appear. If the responsible parent fails to appear at the hearing on the date specified by the notice of debt, the hearing officer shall enter a decision pursuant to subsection 4, paragraph B. Within 30 days of service of the decision, the responsible parent may petition the department to vacate the decision if the responsible parent can show any grounds which permit relief from judgment in a civil action.

4. Hearing. The hearing shall be conducted as follows.

A. The hearing shall be conducted according to rules promulgated by the commissioner. The rules shall provide at least the right to confront and cross-examine witnesses, to present witnesses, to be represented by an attorney or other person and to be notified of these rights in writing. The decision shall be limited to evidence presented at the hearing.

B. The decision shall include a statement of the responsibility of the responsible parent, a statement of the periodic support payment constituting the current support obligation, and the obligation of the responsible parent to maintain health insurance coverage for any dependent children and to provide payment for other medical expenses and shall require the responsible parent to provide written proof to the department of the existence of the required health insurance coverage within 15 days of that parent's receipt of the decision. A copy of the deci-

sion shall be served upon the responsible parent. The department shall provide written notice to the responsible parent with its decision of the parent's right to an administrative review of the decision within the department or review of the decision by the courts and of the action required and the time within which the action shall be taken to exercise the right of an administrative review. A review of the decision within the department, except pursuant to subsection 3, shall be limited to a review of the record generated by the original hearing.

C. The person conducting the hearing shall consider, when deciding on the amount of periodic payment and the availability of medical insurance coverage, at least the following criteria:

- (1) The need of the child;
- (2) The income, real property and personal property of the responsible parent;
- (3) The ability of the responsible parent to borrow;
- (4) The ability of the responsible parent to earn;
- (5) The need of the responsible parent;
- (6) The responsibility of the responsible parent for other dependents; but in any case the child for whom support is sought must benefit as much as any other dependent from the income and resources of the responsible parent;
- (7) The responsibility of the responsible parent for creating an unstable financial condition by voluntarily incurring subsequent obligations. This condition shall not relieve that parent of the duty to provide support;
- (8) The availability of employer-based, or other group affiliation, medical insurance coverage at a reasonable cost to the responsible parent; and
- (9) The availability of current medical coverage to the responsible parent which could be extended to include the dependent child.

5. Subsequent court order. An administrative decision under this section shall remain in effect until superseded by a subsequent court order or subsequent administrative hearing.

Sec. 5. 19 MRSA §498-B is enacted to read:

§498-B. Effect and implementation of health insurance obligations; failure of responsible parent to comply

1. Responsible parent's failure to comply. If a responsible parent fails to acquire the health insurance coverage as required under section 498 or section 498-A, that parent shall be liable for any expenses incurred for any dependent children that would have been paid by the insurance coverage, regardless of incurred expenses. Incurred liability may be enforced as a child support debt under this subchapter or by judicial action.

2. Insurer's obligation under authorization. Upon receipt of a written authorization by a responsible parent to make health insurance payments for that parent's dependent children to the department, whether or not public assistance is being expended for the benefit of the children, an insurer shall be required to make all payments directly to the department until the authorization is withdrawn. Upon receipt of authorization from the responsible parent, the department shall be deemed subrogated to the rights of the responsible parent under the insurance policy for the children.

3. Insurer's obligation under order or decision and notice. Upon receipt of a copy of a court order or administrative decision establishing the obligation of a responsible parent to provide health insurance coverage for that parent's dependent children, and of a copy of a notice from the department that public assistance is being expended for the benefit of the responsible parent's children or that it is furnishing support enforcement services to a person with whom the children reside other than the responsible parent, an insurer shall be required to make all health insurance payments for the children directly to the department until otherwise notified by the department. In all such cases, the responsibility of the department shall be deemed subrogated to the rights of the responsible parent under the insurance policy for the children.

Sec. 6. 19 MRSA §515, first ¶, as amended by PL 1985, c. 652, §39, is further amended to read:

Within 30 days of receiving notice of any action under this subchapter, including an administrative decision establishing an obligation to provide health insurance and payment for other medical expenses, and including an administrative decision which did not establish an obligation to provide health insurance and payment for other medical expenses, the responsible parent or the department may move for a review of any action under this subchapter by serving a request for review, together with an affidavit stating the grounds upon which the request is based, upon the other party. The department may review any action under this subchapter without proceeding under this section. The department acting on behalf of another state or its instrumentality or a person residing in another state constitutes good cause within the meaning of Title 5, section 9057, subsection 5.

Sec. 7. 19 MRSA §581, sub-§9, as amended by PL 1989, c. 156, §6, is repealed and the following enacted in its place:

9. Support order. The court may order either parent of a minor child to contribute reasonable and just sums as child support payable weekly, monthly or quarterly. The

court shall inquire of the parties concerning the existence of a child support order entered pursuant to subchapter V. If such an order exists, the court shall consider its terms in establishing a child support obligation.

An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child. The court order shall include a provision requiring an obligated parent to obtain and maintain health insurance coverage for medical, hospitalization and dental expenses, if health insurance is available to the obligated parent at reasonable cost. The court order shall also require the obligated parent to furnish proof of such coverage to the obligee within 15 days of receipt of a copy of the court order. For the purposes of this section, health insurance shall be considered reasonable in cost if it is employment-related or other group health insurance. If health insurance is not available at reasonable cost at the time of the hearing, the court order shall establish the obligation to provide health insurance on the part of the obligated parent effective immediately upon the insurance being available at reasonable cost.

Sec. 8. 19 MRSA §752, sub-§10, as amended by PL 1989, c. 156, §7, is further amended to read:

10. Support order. An order of the court for child support may run against the father or the mother in whole or in part or against both, irrespective of the fault of the father or mother in the divorce action. For divorces ordered after January 1, 1990, the order for child support may run until the child graduates, withdraws or is expelled from secondary school as defined in Title 20-A, section 1, or attains the age of 19 years, whichever first occurs after the child attains the age of 18 years. When the order is to run against both, the court shall specify the amount each shall pay. The court shall inquire of the parties concerning the existence of a child support order entered pursuant to subchapter V. If such an order exists, the court shall consider its terms in establishing a child support obligation.

~~An order for child support may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child or an order to provide a policy or contract for coverage of these expenses. If medical, hospitalization or dental insurance coverage for the child is available to an obligated parent on a group basis through his employer or group affiliation, the court's order shall include a provision requiring the obligated parent to obtain and maintain that coverage on behalf of his child.~~

An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child. The court order shall include a provision requiring an obligated parent to obtain and maintain health insurance coverage for medical, hospitalization and dental expenses, if health insurance is available to the obligated parent at reasonable cost. The court order shall also require the obligated parent to furnish proof of such coverage to the obligee within 15 days of receipt of a copy of the court order. For the purposes of this section, health insurance shall be considered reason-

able in cost if it is employment-related or other group health insurance. If health insurance is not available at reasonable cost at the time of the hearing, the court order shall establish the obligation to provide health insurance on the part of the obligated parent effective immediately upon the insurance being available at reasonable cost.

Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support.

The court may enforce a support order as provided in chapter 14-A.

Sec. 9. 19 MRSA §752, sub-§12, as repealed and replaced by PL 1987, c. 721, is amended to read:

12. Modification of orders; compulsory process. Upon the motion of one or both of the parents, or any agency or person who has been granted parental rights and responsibilities or contact with respect to a child under this section, the court may alter its order concerning parental rights and responsibilities or contact with respect to a minor child as circumstances require. Child support orders may be modified retroactively, but only from the date that notice of a petition for modification has been served upon the opposing party pursuant to the Maine Rules of Civil Procedure. The parties shall be referred to mediation as under subsection 4.

The relocation, or intended relocation, of a child resident in this State to another state by a parent, when the other parent is a resident in this State and there exists an award of shared or allocated parental rights and responsibilities concerning the child, is a substantial change in circumstances.

In execution of the powers given it under this Title, the court may employ any compulsory process which it deems proper, by execution attachment or other effectual form, on which costs shall be taxed as in other actions.

Sec. 10. 19 MRSA §776, sub-§4, as enacted by PL 1979, c. 668, §6, is repealed and the following enacted in its place:

4. Health insurance. If a support order contains an order for a parent to provide health, medical or hospital insurance coverage and if the insured child is receiving public assistance, then the insuring parent shall provide the department with proof of the insurance coverage within 15 days of receipt of a copy of the order, and shall provide the department with written notice of any change in that coverage within 15 days of the change.

Sec. 11. 19 MRSA §778 is enacted to read:

§778. Modification of support order

Any order for support with respect to a minor child may be modified or terminated as circumstances require upon the petition or motion of a party. Child support orders may be modified retroactively, but only from the date that notice of a petition for modification has been served upon

the opposing party pursuant to the Maine Rules of Civil Procedure.

Sec. 12. 19 MRSA §779 is enacted to read:

§779. Effect and implementation of health insurance obligations; failure of responsible party to comply

1. Failure to obtain insurance. If an obligated parent fails to acquire health insurance coverage as required under section 214, subsection 9; section 581, subsection 9; or section 752, subsection 10, that parent shall be liable for any expenses incurred for that parent's dependent children that would have been paid by the insurance coverage, regardless of who has incurred the expenses. Incurred liability may be enforced as a child support debt under chapter 7, subchapter V, or by judicial action.

2. Direct payment; parental authorization. Upon receipt of a written authorization from an obligated parent to an insurer to make health insurance payments for that parent's dependent children to the obligee, the insurer shall make all payments directly to the obligee until the authorization is withdrawn. Upon receipt of such authorization from the obligated parent, the obligee shall be deemed subrogated to the rights of the obligated parent under the insurance policy for the children.

3. Direct payment; court order. Upon receipt of a copy of the court order establishing the obligation of an obligated parent to provide health insurance coverage for that parent's dependent children, and of a demand in writing for the health insurance coverage from the obligee, the insurer shall make all health insurance payments for the children directly to the obligee until otherwise notified by the obligee. In all such cases, the obligee shall be deemed subrogated to the rights of the obligated parent under the insurance policy for the children.

See title page for effective date.

CHAPTER 338

H.P. 668 - L.D. 910

An Act to Amend the Law Relating to Submerged Land

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

Sec. 1. 12 MRSA §558-A, sub-§1, ¶¶C and D are enacted to read:

C. "Commercial fishing activity" means any activity involving the landing or processing of shellfish, finfish or other natural products of the sea or other activities directly related to landing or processing shellfish, finfish or natural sea products, including fueling, loading or selling these products.

D. "Submerged land" means:

(1) All land from the mean low-water mark or a maximum of 1,650 feet seaward of the mean high-water mark, whichever is closer to the mean high-water mark, out to the seaward boundary of coastal waters as defined in section 6001;

(2) All land below the mean low-water mark of tidal rivers upstream to the farthest natural reaches of the tides;

(3) All land below the natural mean low-water mark of ponds which in their natural state are 10 or more acres in size; and

(4) The river bed of international boundary rivers, defined as all land lying between defined banks, created by the action of surface water and characterized by a lack of terrestrial vegetation and devoid of topsoil, and the international boundary line.

Sec. 2. 12 MRSA §558-A, sub-§2, as amended by PL 1987, c. 765, §1, is further amended to read:

2. Leases. The director may lease, for a term of years not exceeding 30 and with conditions the director deems reasonable, the right to dredge, fill or erect permanent causeways, bridges, marinas, wharves, docks, pilings, moorings or other permanent structures on submerged and intertidal land owned by the State.

A. For fill, permanent causeways, bridges, marinas, wharves, docks, pilings, moorings or other permanent structures and for nonpermanent structures that occupy a total of 500 square feet or more of submerged land or occupy a total of 2,000 square feet or more of submerged land if used exclusively for commercial fishing activities:

(1) The director shall charge the lessee a base rent that practically approximates the fair market rental value of the land; Fair market rental value shall be the municipally assessed value per square foot for the adjacent upland multiplied by a reduction factor based on the use of the leased submerged land. The reduction factors for use categories shall be as follows:

(a) A reduction factor of 0%, or no rental fee, for nonprofit organizations or publicly owned facilities that offer free public use or public use with nominal user fees. Public uses include, but are not limited to, municipal utilities and facilities that provide public access to the water, town wharves, walkways, fishing piers, boat launches, parks, nature reserves,