

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

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Act, Public Law 93-633, except that, for purposes of this subsection, hazardous materials shall not include oil as defined in Title 38, section 542, subsection 6. The registrant shall make available to the department and its authorized representatives all documents relating to the hazardous materials transported by the registrant during the period of registration.

See title page for effective date.

CHAPTER 420

H.P. 979 - L.D. 1357

An Act to Increase the Penalty for Illegal Netting of Atlantic Salmon

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

12 MRSA §7901, sub-§3, as enacted by PL 1979, c. 420, §1, is amended to read:

3. A violation of any of the acts prohibited in chapter 711, subchapter III, fishing violations, is a Class E crime, except that in addition to any penalty which the court might impose, a convicted person shall be fined \$5 for each fish illegally possessed, this fine not to be suspended. Notwithstanding Title 17-A, section 1301, an individual convicted of illegal fishing of Atlantic salmon, in violation of section 7603, shall be fined \$500 per fish, not to be suspended, and up to \$1,000 per violation.

See title page for effective date.

CHAPTER 421

S.P. 1158 - L.D. 1612

An Act to Protect the Identity of Juveniles Prior to Filing of Petition

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

15 MRSA §3307, sub-§1-A is enacted to read:

1-A. Release of identity. No law enforcement officer, officer of the court or juvenile caseworker may release the identity of any juvenile until a petition is filed charging the juvenile with a juvenile crime described in subsection 2.

See title page for effective date.

CHAPTER 422

S.P. 611 - L.D. 1705

An Act to Prohibit Unfair Rating Practices in Small Group Health Insurance

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

Sec. 1. 24 MRSA §2327-A is enacted to read:

§2327-A. Rating practices in group health insurance

Title 24-A, section 2808-A, shall apply to nonprofit hospital corporations, nonprofit medical service corporations and nonprofit health care plans to the extent not inconsistent with this chapter.

Sec. 2. 24-A MRSA §2808-A is enacted to read:

§2808-A. Rating practices in group health insurance

1. Groups with fewer than 25 members. Except as provided in subsection 3, no insurer may increase group health insurance premium rates for a group with fewer than 25 insured members, excluding dependents, on the basis of the claims experience of that group.

2. Subgroups; rate differentiation. Except as provided in subsection 3, no insurer may increase group health insurance premium rates on a basis which discriminates between different subgroups of a group according to the claims experience of the subgroup. The term "subgroup," as used in this section, refers to an employer with fewer than 25 insured employees within a multiple employer trust, or to any similar subdivision of a larger group covered by a single group health insurance policy or contract.

3. Tiers of rates allowed. Groups or subgroups subject to subsection 1 or 2 may be divided into 2 or more tiers for rating purposes based on the experience of the group or subgroup provided that the following conditions are satisfied.

A. The rates for the highest tier may not exceed the average rate for all tiers by more than 20%.

B. At the time of application, the insurer must provide to the prospective policyholder a prominent disclosure indicating that premium rates may change based on the claims experience of the group or subgroup. If the policyholder is a multiple employer trust, the policyholder must provide this disclosure to each employer at the time of application to the trust. For multiple employer trusts in existence on January 1, 1990, this disclosure procedure must be completed prior to the first subsequent renewal.

4. Applicability. This section applies to all policies executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1990. It applies to any certificates delivered to residents of this State under a