

# 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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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

group health insurance policy described in section 2805-A, 2806 or 2808 and executed, continued or renewed on or after January 1, 1990. For purposes of this section, all contracts shall be deemed to be renewed no later than the next yearly anniversary of the contract date.

5. Sunset. Unless continued or modified by law, this section is repealed on October 1, 1991.

See title page for effective date.

## CHAPTER 423

S.P. 122 - L.D. 188

### An Act Relating to Workers' Compensation Insurance

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

**Sec. 1. 24-A MRSA §2363, sub-§4,** as enacted by PL 1987, c. 559, Pt. A, §4, is repealed and the following enacted in its place:

**4. Contents of filing.** A rate filing shall include:

A. Maine premium, loss and loss adjustment experience. Maine premium, loss and loss adjustment experience shall show:

(1) Data from all companies writing workers' compensation insurance in this State. If a company is excluded from the rate level, trend, loss development, expense determination, classification differentials or investment income calculations, that company and its market share shall be identified and an explanation provided for its exclusion;

(2) Premiums calculated at current rate level. Whenever on-level factors are used, their derivation shall be shown. The derivation of the percentages of total premium written and earned at various rate levels shall also be shown;

(3) The amount of premium collected from the expense constant. This premium shall be provided in dollars and as a percentage of the standard earned premium and as a percentage of net earned premium. If the percentage of premium collected in this manner is expected to change, the extent of the change shall be estimated and the details of this estimation provided;

(4) The amount of premium collected by the minimum premium. This premium shall be provided in dollars and as a percentage of standard earned premium and as a percentage of earned premium. If the percentage of

premium collected in this manner is expected to change, the extent of the change shall be estimated and the details of this estimation provided;

(5) Earned premiums which shall include premium collected from the specific disease loading. If disease loadings have been excluded, a justification shall be provided;

(6) The latest earned premiums and market shares for the 10 largest workers' compensation insurers, by group, in this State;

(7) The following information on companies deviating from bureau workers' compensation rates for each of the last 3 years:

(a) A list of all deviating companies;

(b) The total standard premium written at deviated rates;

(c) The percentage of the entire statewide standard premium written at deviated rates;

(d) The total amount of deviations in dollars;

(e) The average percentage deviation for deviating companies; and

(f) The average percentage deviation for all companies;

(8) The following information on company workers' compensation dividend practices for each of the last 3 years:

(a) A list of all companies issuing dividends;

(b) The total amount of dividends in dollars;

(c) The average percentage dividend issued by companies issuing dividends; and

(d) The average percentage dividend issued by all companies;

(9) All policy year and accident year incurred loss data used in the filing, provided in the aggregate and also separated into paid losses, case-incurred and incurred but not reported losses; and

(10) The related incurred losses for all incurred loss adjustment expense data contained in the filing;