

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

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

CHAPTER 431

H.P. 757 - L.D. 1061

An Act to Increase the Penalties for Repeat Violations of the Prostitution Laws

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

Sec. 1. 17-A MRSA §852, sub-§3, as enacted by PL 1975, c. 499, §1, is amended to read:

3. Aggravated promotion of prostitution is a Class E crime.

Sec. 2. 17-A MRSA §853-A, sub-§3 is enacted to read:

3. Engaging in prostitution is a Class D crime if, at the time of the offense, the person has one prior conviction for engaging in prostitution within a 2-year period. For purposes of this subsection, a prior conviction has occurred within the 2-year period if the date of docket entry by the clerk of a judgment of conviction is 2 years or less from the date of the new conduct which is penalized or for which the penalty is or may be enhanced.

Sec. 3. 17-A MRSA §853-B, sub-§3 is enacted to read:

3. Engaging a prostitute is a Class D crime if, at the time of the offense, the person has one prior conviction for engaging a prostitute within a 2-year period. For purposes of this subsection, a prior conviction has occurred within the 2-year period if the date of docket entry by the clerk of a judgment of conviction is 2 years or less from the date of the new conduct which is penalized or for which the penalty is or may be enhanced.

See title page for effective date.

CHAPTER 432

H.P. 1211 - L.D. 1683

An Act to Ensure the Continuity of Mental Health Services

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

Whereas, it is in the best interest of the people of the State to ensure stability in the provision of mental health services; and

Whereas, it is generally in the best interest of the consumer to ensure the continuation of existing mental health services by the current provider unless the Department of Mental Health and Mental Retardation determines,

after appropriate review and hearing, that adequate cause exists to terminate the service or to change the provider; and

Whereas, the Department of Mental Health and Mental Retardation is proposing to put certain existing mental health services out to bid within the very near future without any prior determination of cause; and

Whereas, the bidding of existing services, without cause, has the potential for seriously disrupting the health services delivery system and unnecessarily putting at risk those persons who have come to depend on existing mental health services; 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:

34-B MRSA §1208, sub-§6 is enacted to read:

6. Rules. The commissioner shall not request competitive bids for existing services until the commissioner has adopted rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to ensure:

A. The stability of the provider system by setting forth the causes for which existing services may be placed out for competitive bid;

B. The protection of the consumer of mental health or mental retardation services in such a way that any change in provider will be accomplished in a manner which fully protects the consumer; and

C. The verification of the nonservice revenue portion of proposed budgets submitted by current and prospective providers.

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

Effective June 22, 1989.

CHAPTER 433

S.P. 600 - L.D. 1677

An Act to Require Installation of Sewage Pump-out Facilities at Certain Marinas

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

Sec. 1. 38 MRSA §414-B, sub-§4 is enacted to read:

4. Acceptance of waste water. Municipal and quasi-municipal waste water treatment facilities constructed wholly or in part with funding allocated pursuant to section 411 shall accept for treatment holding tank waste water from any watercraft sewage pump-out facilities required pursuant to section 423-B. Municipal and quasi-municipal waste water treatment facilities may charge an annual or per visit fee for this service to be approved by the board.

Sec. 2. 38 MRSA §423-B is enacted to read:

§423-B. Watercraft sewage pump-out facilities at marinas

By June 1, 1990, marinas serving coastal waters shall provide or provide through contractual agreements facilities to remove sanitary waste from the holding tanks of watercraft. For purposes of this section, the term "marina" means any commercial facility that provides supplies and services and has the capacity to provide slip space or mooring for 18 or more vessels which exceed 24 feet in length.

See title page for effective date.

CHAPTER 434

S.P. 396 - L.D. 1040

An Act to Simplify Reporting Requirements for Workers' Compensation Insurers and Self-insurers

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

Sec. 1. 24-A MRSA §2371, sub-§2, ¶C, as repealed and replaced by PL 1987, c. 769, Pt. A, §99, is amended to read:

C. Information concerning Workers' Compensation Commission proceedings, including:

(1) As to each informal conference, the date, commissioner, involvement of attorney or other designated representative, ~~employer's or insurer's offer, employee's expectation~~ and the resolution; and

(2) As to each hearing, the date, commissioner, involvement of attorney or other designated representative, ~~employer's or insurer's offer, employee's demand~~ and the commissioner's decision. If a disputed claim results in multiple hearing dates, the commissioner's decision shall be reported for the last hearing date.

Sec. 2. 24-A MRSA §2371, sub-§2, ¶D, as enacted by PL 1987, c. 559, Pt. A, §4, is repealed and the following enacted in its place:

D. Cost of payment information on each claim, identified as open or closed, including:

(1) Aggregate payments to date to any physician, hospital or other medical provider. The superintendent may require information on payments to date to any physician, hospital, medical rehabilitation provider or other medical provider, together with a description of the services, the name of the provider, the amount of payment and the date of service;

(2) Payments made to date for weekly compensation, impairment benefits, death benefits, funeral expenses, employee legal expenses, employer legal expenses, lump sums, witness fees, penalties, vocational rehabilitation services with a description of the services and name of the rehabilitation provider, and any other type of payments under Title 39;

(3) With respect to open claims, an estimate of total outstanding liability and separately stated outstanding liability for medical care, indemnity, vocational rehabilitation and any other type of payments; and

(4) Identification, both on payments and outstanding liabilities, of benefit offsets for Social Security, unemployment insurance, employer provided pensions and any other source.

For medical only claims, the superintendent may establish a claim threshold for which the detailed claim reporting requirements of this subsection shall not apply.

Sec. 3. 24-A MRSA §2371, sub-§3, as enacted by PL 1987, c. 559, Pt. A, §4, is repealed.

Sec. 4. 24-A MRSA §2371, sub-§3-A is enacted to read:

3-A. Special data calls. The superintendent may, with prior notice, require the insurer and self-insurer statistical advisory organizations to conduct special data calls to collect information usable to evaluate the costs or operations of the workers' compensation system. Any special data call imposed by the superintendent under this provision shall give due consideration to the information collected and maintained by insurers and self-insurers. Requests for information not being collected on the effective date of this subsection shall be prospective.

Sec. 5. 24-A MRSA §2371, sub-§6, as enacted by PL 1987, c. 559, Pt. A, §4, is repealed and the following enacted in its place:

6. Reports. The superintendent shall prescribe the frequency of and schedule for reports by the statistical advisory organization. Reports shall be required on at least an annual basis.