

# 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 466

S.P. 412 - L.D. 1078

An Act Concerning the Construction of  
Portable Classrooms

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

**Sec. 1. 20-A MRSA §15603, sub-§8, ¶¶B to D,** as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

B. Lease costs for school buildings when the leases, including leases under which the school administrative unit may apply the lease payments to the purchase of portable, temporary classroom space beginning January 1, 1988, have been approved by the commissioner for the year prior to the year of allocation;

C. The portion of the tuition costs applicable to the insured value factor computed under ~~Title 20-A,~~ section 5806, for the base year; ~~and~~

D. Funds allocated by the state board to administrative units to cover the costs of new school construction projects funded in the current fiscal year; ~~and~~

**Sec. 2. 20-A MRSA §15603, sub-§8, ¶E** is enacted to read:

E. Purchase or cost of construction of portable, temporary classroom space as approved by the commissioner beginning January 1, 1988. The amount includable for determining the subsidy for a school administrative unit for the purchase or construction of portable temporary classroom space shall not exceed the amount that would have been paid for lease of a comparable classroom. The department shall adopt rules for approving the purchase, construction or lease-purchase of portable temporary classroom space, and for determining the amount includable for subsidy purposes. Approved costs shall be those for the year prior to the year of allocation.

**Sec. 3. 20-A MRSA §15603, sub-§19-A** is enacted to read:

19-A. Portable, temporary classroom space. "Portable, temporary classroom space" means one or more mobile or modular buildings which are at least partially constructed off-site and which are designed to be moved to other sites with a minimum of disassembly and reassembly.

**Sec. 4. 20-A MRSA §15605, sub-§2, ¶D,** as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

D. The requested funding levels for debt service under section 15604, subsection 1, paragraph G, shall be as follows:

(1) The known obligations and estimates of anticipated principal and interest costs for the year of allocation;

(2) The expenditures for the insured value factor for the base year;

(3) The level of leases, including leases under which the school administrative unit may apply the lease payments to the purchase of portable, temporary classroom space beginning January 1, 1988, approved by the commissioner for the year prior to the year of allocation; ~~and~~

(4) Funds allocated by the state board for new school construction projects funded in the current fiscal year; ~~and~~

(5) Funds approved by the commissioner for purchase of portable, temporary classroom space for the year of allocation, beginning January 1, 1988.

**Sec. 5. 20-A MRSA §15901, sub-§4,** as amended by PL 1983, c. 613, is further amended to read:

4. School construction project. "School construction project" means:

A. On-site additions to existing schools;

B. New schools;

C. The cost of land acquired in conjunction with projects otherwise defined by this subsection;

D. The building of or acquisition of other facilities related to the operation of school administrative units;

E. The complete restoration of existing school buildings in lieu of replacement when in the judgment of the commissioner the action is in the best interest of the State and local unit; and

F. Off-site construction may only be included within the meaning of this term if, in the judgment of the commissioner, it is economically in the best interests of the State or there is no other practical way to complete a project.

"School construction project" does not mean the purchase, lease-purchase or construction of portable temporary classroom space, as defined in section 15603, subsection 19-A.

**Sec. 6. 20-A MRSA §15901, sub-§4-A,** as enacted by PL 1985, c. 248, §2, is amended to read:

**4-A. Small scale school construction project.** "Small scale school construction project" means a project which will not be eligible for state subsidy and is limited to:

- A. New buildings not exceeding 600 square feet in gross area to be utilized solely for storage or custodial work, or both; or
- B. On-site additions to existing school buildings not exceeding 600 square feet in gross area.

"Small scale school construction project" does not mean the purchase, lease-purchase or construction of portable temporary classroom space, as defined in section 15603, subsection 19-A.

See title page for effective date.

## CHAPTER 467

S.P. 590 - L.D. 1652

### An Act To Protect Maine Businesses against Workers' Compensation Insurer Rate Gouging

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

**Sec. 1.** 24-A MRSA §2319, as amended by PL 1973, c. 585, §12, is further amended to read:

#### §2319. Appeal by insurers and others as to filings

**1. Application for hearing.** Any person or organization in interest aggrieved with respect to any filing, rate, expense or premium level which is in effect may make written application to the superintendent for a hearing thereon, except that the insurer or rating organization that made the filing shall not be authorized to proceed under this section. ~~Such~~ Any application shall specify the grounds to be relied upon by the applicant in asserting that the filing, rate, expense or premium level is unjust or unreasonable. The Public Advocate, as appointed under Title 35-A, section 1701, may file a written application under this section only with respect to workers' compensation filings, rates, expenses or premium levels, provided that:

A. Application is made only on behalf of the general body of workers' compensation policyholders, not on behalf of individual policyholders; and

B. No filing is made by the Public Advocate earlier than 180 days from the expiration of the period for appealing a rate filing under section 236.

**2. Hearing.** If the superintendent finds that the application is made in good faith, that the applicant would be so aggrieved if ~~his~~ the applicant's grounds ~~are~~ were established, and that such grounds otherwise justify holding such a hearing, ~~he~~ the superintendent shall, ~~within 30 days after receipt of such application, hold a hearing upon not less than 10 days' written notice to the applicant and to every insurer~~

~~and rating organization which made such filing by written order, require that the insurer or rating organization prepare within 30 days a responsive filing containing information necessary, in the judgment of the superintendent, to review the application. This responsive filing may include all information required pursuant to section 2363, subsections 4 and 5 and such additional information as the superintendent may require pursuant to section 2363, subsection 6.~~

A. A copy of the superintendent's written order requiring a responsive filing and specifying its contents or determining that no further action on the application is warranted shall be provided to the Public Advocate when the application concerns workers' compensation policies or rates and to the person or organization making the application for relief under subsection 1.

B. A copy of the responsive filing shall be served on the Public Advocate when the application concerns workers' compensation policies or rates and on the applicant. Upon receipt of an order from the superintendent requiring a responsive filing concerning workers' compensation which resulted from an application by the Public Advocate, the insurer or rating organization shall pay to the superintendent a filing fee of \$50,000 which the superintendent shall immediately credit to the Public Advocate. The fee shall be segregated and expended for employing outside consultants and paying other expenses to fulfill the requirements of this section. Any portion of the fee not expended shall be returned to the filer.

C. The public hearing shall be conducted no fewer than 30 days and no more than 60 days from the date the responsive filing is determined complete by the superintendent, unless the superintendent extends these limits pursuant to section 2363, subsection 6 in workers' compensation cases.

**3. Orders.** If, after such a hearing, the superintendent finds that the filing, rate, expense or premium level does not meet the requirements of this chapter, ~~he~~ the superintendent shall issue ~~an~~ a final order specifying in what respects ~~he~~ the superintendent finds that ~~such~~ the filing fails to meet the requirements of this chapter, or is unjust and unreasonable, and stating when, within a reasonable period thereafter, ~~such~~ the filing, rate, expense or premium level shall be changed, replaced or deemed determined no longer effective. Copies of the order shall be sent to the applicant and to every ~~such~~ insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

**Sec. 2.** 24-A MRSA §2363, sub-§7-A is enacted to read:

7-A. Fee for servicing residual market. In every rate filing in which a rating bureau requests a rate adjustment, the superintendent shall take evidence on the issue of whether the fee for servicing the residual market is reasonable. Concurrent with the decision on the rate adjustment,