

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

hearing thereon after notice to the stockholders of each insurer involved. The superintendent shall give such approval within a reasonable time after such filing unless ~~he~~ the superintendent finds that the plan or agreement:

- A. Is contrary to law; ~~or~~
- B. Is unfair or inequitable to the ~~stockholders~~ policyholders of any insurer involved; ~~or~~
- C. Would substantially reduce the security of and service to be rendered to policyholders of the domestic insurer in this State or elsewhere; ~~or~~
- D. Would materially tend to lessen competition in the insurance business in this State or elsewhere as to the kinds of insurance involved, or would materially tend to create a monopoly as to such business; ~~or~~
- E. Is subject to other material and reasonable objections.

In making any determination required by paragraph C, the superintendent may consider, among other factors, whether the surplus of the surviving or new corporation satisfies the requirements of section 410.

Sec. 4. Application. Notwithstanding the terms of the Maine Revised Statutes, Title 1, section 302, this Act shall apply with respect to any filing by a domestic stock insurer seeking approval of the Superintendent of Insurance of its plan and agreement of merger, including any filing which has been previously filed with and which is currently pending hearing or decision by the Superintendent of Insurance on the effective date of this Act.

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

Effective February 14, 1990.

CHAPTER 612

S.P. 697 - L.D. 1835

An Act Relating to the Administrative Staff of the Maine State Retirement System

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

2 MRSA §6, sub-§5, as repealed and replaced by PL 1989, c. 502, Pt. A, §3, is amended to read:

5. Range 86. The salaries of the following state officials and employees shall be within salary range 86:

- Director of Labor Standards;
- Deputy Chief of the State Police;
- Director of State Lotteries;
- State Archivist;
- Director of Maine Geological Survey;
- Executive Director, Maine Land Use Regulation Commission;
- Director of the Risk Management Division;
- Chairman, Maine Unemployment Insurance Commission;
- Director of the Bureau of State Employee Health;
- Child Welfare Services Ombudsman;
- Director of the Bureau of Intergovernmental Drug Enforcement;
- Deputy Director, Operations, Retirement System; ~~and~~
- Deputy Director, Investments, Retirement System;
- Deputy Director, Administrative and Legal Affairs, Retirement System; and
- Executive Director, Maine Science and Technology Commission.

See title page for effective date.

CHAPTER 613

H.P. 1335 - L.D. 1852

An Act to Amend the Professional Service Corporation Act

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

13 MRSA §705, as enacted by PL 1969, c. 411, is amended to read:

§705. Corporate organization

An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional service within this State may organize and become a shareholder or shareholders of a professional corporation under the corporation laws for the sole and specific purpose of rendering the same and specific professional service. Notwithstanding any other provisions of law, for the purposes of this chapter, osteopathic physicians licensed under Title 32, chapter 36, and physicians and

surgeons licensed under Title 32, chapter 48, are considered to render the same professional service.

See title page for effective date.

CHAPTER 614

H.P. 1341 - L.D. 1858

An Act to Integrate Relief Provided by the Maine Residents Property Tax Program with Poverty Abatements

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

36 MRSA §6216, 2nd ¶, as enacted by PL 1987, c. 516, §§3 and 6, is amended to read:

Benefits received under this chapter may not be included as income for purposes of any state or municipally administered public benefit program but may be considered for purposes of determining eligibility for abatement under section 841, subsection 2.

See title page for effective date.

CHAPTER 615

S.P. 711 - L.D. 1888

An Act Concerning Financial Accountability of Schools Approved for Tuition Purposes

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

Sec. 1. 20-A MRSA §15618-A, sub-§1, as enacted by PL 1987, c. 669, is amended in the first paragraph to read:

1. Annual report. Beginning in 1989, the commissioner shall prepare an annual report by December 1st showing approved school administrative unit educational budgets on a unit-by-unit basis. The report shall must show budgetary items approved by public schools and schools approved for tuition purposes in the following categories:

Sec. 2. 20-A MRSA §15618-A, sub-§2 is enacted to read:

2. Annual audit for schools approved for tuition purposes. A private secondary school approved for tuition purposes must furnish to the State Auditor, on or before September 1st of each year, satisfactory proof that the books, accounts, financial documents and reports of the private secondary school to the commissioner for the preceding fiscal year have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file. An audit must be made by the Department of Audit, by individuals or firms recognized as

competent auditors by training and experience or by qualified public accountants.

See title page for effective date.

CHAPTER 616

H.P. 1373 - L.D. 1904

An Act to Increase Fees for Defensive Driving Courses

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

Sec. 1. 23 MRSA §4208, as amended by PL 1981, c. 292, is further amended to read:

§4208. Defensive driving courses; fees

The Department of Public Safety is authorized to conduct defensive driving courses for the purpose of promoting highway safety and to charge a registration fee of \$15 \$20 to participants in the defensive driving courses conducted under the auspices of the department. The fee shall be used to cover the cost of conducting the courses. Any balances remaining at the end of the fiscal year shall not lapse but shall be carried forward to be used for the purposes stated in this section.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1990-91
PUBLIC SAFETY, DEPARTMENT OF	
Defensive Driving - Bureau of Safety	
Personal Services	\$14,000
All Other	10,000
Provides funds for additional staff time costs and related op- erational expenses.	
DEPARTMENT OF PUBLIC SAFETY TOTAL	<u>\$24,000</u>

See title page for effective date.

CHAPTER 617

H.P. 1422 - L.D. 1974

An Act to Clarify the Status of Court Mediators, Court Appointed Special Advocates and Bail Commissioners with Respect to Civil Liability