

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

1. Transportation in vehicle of parent or guardian. When any child who is less than 4 years of age is being transported in a motor vehicle registered in this State and that motor vehicle is owned or operated by his the child's parent or legal guardian, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured, in accordance with the manufacturer's instructions, in a child safety seat that meets the standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981. The parent or legal guardian of the child is responsible for providing and installing the child safety seat.

2. Transportation in vehicle not owned by parent or guardian. If the child is being transported in a motor vehicle registered in this State, and that motor vehicle is neither owned nor operated by his the child's parent or legal guardian, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured, in accordance with the manufacturer's instructions, in a child safety seat that meets the standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981. When such a child safety seat is not available, the operator shall have the child properly secured in a seat belt, except when all seating positions equipped with seat belts are occupied. No exception may apply if the child is less than one year of age.

See title page for effective date.

CHAPTER 641

H.P. 1403 - L.D. 1939

An Act to Amend the Guaranty Association Law to Provide a More Equitable Special Assessment

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

Whereas, the Maine Insurance Guaranty Association imposes an assessment against member insurers which has a disproportionate impact on companies that have a very small number of policyholders against whom to levy the assessment; and

Whereas, the assessment will result in a premium increase of from \$115 to \$985 for medical malpractice insurance premiums; 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:

Sec. 1. 24-A MRSA §4440-A, sub-§2, as enacted by PL 1989, c. 67, §8, is repealed and the following enacted in its place:

2. Limit on assessment. Subject to the 2% limitation, an assessment made under this section may not exceed 5% of the average of a member insurer's net income of the 3 years prior to the year in which the assessment is made for any member insurer:

A. That has surplus of less than \$12,000,000 and either a ratio of total net direct written premium to total surplus greater than 2 or net income of less than \$250,000 for the year preceding the assessment. For purposes of this subsection, "net income" means the sum of underwriting income and investment income, net of dividends to policyholders and federal and foreign income taxes incurred, as reported on the insurer's annual statement filed with the superintendent. "Total surplus" means surplus as regards policyholders, as reported on the insurer's annual statement filed with the superintendent; or

B. That has a surplus of less than \$12,000,000 and has fewer than 3,000 policyholders.

Sec. 2. Application; retroactivity. This Act is applicable both retroactively and prospectively to special assessments made under the Maine Revised Statutes, Title 24-A, section 4440-A, whether those assessments were made before or after the effective date of this Act.

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

Effective March 7, 1990.

CHAPTER 642

H.P. 1322 - L.D. 1824

An Act to Amend the Zoning Laws to Extend the Time for Filing a Variance in the Registry of Deeds

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

30-A MRSA §4353, sub-§5, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

5. Variance recorded. If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds