

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

within ~~30~~ 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

See title page for effective date.

CHAPTER 643

S.P. 762 - L.D. 1987

An Act to Enable the Department of Marine Resources to Issue Identification Tags for Lobster Gear

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

12 MRSA §6442, as amended by PL 1985, c. 540, is further amended to read:

§6442. Lobster identification tags; fee authorized

The commissioner may impose a reasonable fee not to exceed 50¢ per tag, for the issuance of lobster trap identification tags in those areas of the State included in the Swan's Island ~~Experimental~~ Trap Limit Program.

The fees collected ~~shall~~ must be paid to the department. The commissioner shall use these fees for the administration of the lobster trap tag system. Any fees that are unexpended at the end of the fiscal year ~~shall do~~ not lapse.

~~This section is repealed on September 30, 1990.~~

See title page for effective date.

CHAPTER 644

H.P. 1399 - L.D. 1935

An Act to Ensure That Residents of Long-term Care Facilities Are Provided with Information about the Services of the Long-term Care Ombudsman Program

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

22 MRSA §7924, sub-§6 is enacted to read:

6. Notice of program. Each long-term care facility shall provide to each resident, guardian or personal representative, at the time of admission, information that the long-term care ombudsman program is a source of assistance with complaints and problems. At least 2 posters must be mounted in prominent places in each long-term care facility to inform residents about the

services of the program. The posters must also include the department's current rules regarding the rights of residents of long-term care facilities.

See title page for effective date.

CHAPTER 645

S.P. 744 - L.D. 1948

An Act to Amend the Employee Suggestion Awards System

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

Sec. 1. 5 MRSA §642, sub-§4, as enacted by PL 1981, c. 289, §8, is amended to read:

4. Maximum cash award. The maximum cash award approved shall be limited to 10% of the first year's estimated savings, or \$2,000, whichever is less. ~~An~~ Except as provided in subsection 4-A, an award shall not be made for any suggested savings of less than \$250. Any cash awards approved by the board shall be charged against the fund or funds to which estimated savings apply. If it is not possible to reasonably estimate the savings, the board may pay an initial amount and pay an additional amount at the end of the first year, or may pay the full amount at the end of the first year.

Sec. 2. 5 MRSA §642, sub-§4-A is enacted to read:

4-A. Improvements to service without cost savings. Upon the recommendation of the agency head of the affected program, the board may approve an award not to exceed \$100 for a suggestion that results in improved services or operation of the program but does not result in identifiable cost savings.

Sec. 3. 5 MRSA §642, sub-§7, as enacted by PL 1981, c. 289, §8 is amended to read:

7. Administration. Notwithstanding any other law, whenever an award is made from a fund, an equal amount shall be transferred from the same fund to a special revenue fund available to the Department of ~~Personnel~~ Administration to be used to administer the program.

See title page for effective date.

CHAPTER 646

H.P. 1461 - L.D. 2038

An Act to Provide for Expedited Merger, Consolidation or Acquisition of Credit Unions