# 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

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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

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# STATE OF MAINE

AS PASSED AT THE

SECOND REGULAR SESSION

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owed to it for medical benefits provided to the recipient. If a dispute arises between the recipient and the commissioner as to the settlement of any claim that the commissioner may have under this section, the 3rd party or the recipient's attorney shall withhold from disbursement to the recipient an amount equal to the commissioner's claim. Either party may apply to the Superior Court or the District Court in which an action based upon the recipient's claim could have been commenced for an order to determine an equitable apportionment between the commissioner and the recipient of the amount withheld. An order of apportionment has the effect of a judgment.

**Sec. 3. 22 MRSA §14, sub-§3,** as enacted by PL 1979, c. 610, §2, is amended to read:

**3. Definitions.** For purposes of this section, "~~third~~ 3rd party" means any entity including, but not limited to, an insurance carrier which may be liable under a contract to provide health, automobile, workers' compensation or other insurance coverage that is or may be liable to pay all or part of the medical cost of injury, disease, disability or similar occurrence of an applicant or recipient of Medicaid.

See title page for effective date.

# CHAPTER 779

## H.P. 1542 - L.D. 2127

## An Act to Amend the Maine Human Rights Act with Regard to Housing Discrimination on the Basis of Handicap

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

**5 MRSA §§4582-A and 4582-B** are enacted to read:

### §4582-A. Unlawful housing discrimination on the basis of handicap

It is unlawful housing discrimination, in violation of this Act:

**1. Modifications.** For any owner, lessee, sublessee, managing agent or other person having the right to sell, rent, lease or manage a housing accommodation, or any of their agents to refuse to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by that person if the modifications may be necessary to give that person full enjoyment of the premises, except that, with a rental, the landlord, when it is reasonable to do so, may condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; or

**2. Accommodations.** For any owner, lessee, sublessee, managing agent or other person having the right to sell, rent, lease or manage a housing accommodation, or any of their agents to refuse to make reasonable accommodations in rules, policies, practices or services when those accommodations are necessary to give that person equal opportunity to use and enjoy the housing.

### §4582-B. Standards and certification

**1. Definition.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Builder" means the applicant for a building permit in a municipality that requires these permits or the owner of the property in a municipality that does not require building permits.

B. "Design professional" means an architect or professional engineer registered to practice under Title 32.

C. "Standards of construction" means the 1986 standards set forth by the American National Standards Institute in the publication "Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," ANSI A 117.1-1986.

D. "Multifamily housing accommodation" means "covered multifamily dwelling" as defined in 42 United States Code, Section 3604.

**2. Applicability.** This section applies to multifamily housing accommodations constructed for first occupancy after March 13, 1991.

**3. Standards.** Facilities subject to this section must meet the following standards.

A. Doors designed to allow passage into and within all premises within those accommodations must be sufficiently wide to allow passage by a person in a wheelchair.

B. A route accessible to a person in a wheelchair into and through the dwelling unit must exist.

C. Light switches, electrical outlets, thermostats and other environmental controls must be in locations accessible to a person in a wheelchair.

D. Bathroom walls must have reinforcements to accommodate the installation of grab bars.

E. Kitchens and bathrooms must be accessible to and usable by a person in a wheelchair.

**4. Compliance with standards.** Compliance with the standards of construction satisfies the requirements of this section.

5. Certification; inspection. The builder of a facility to which this section applies shall obtain a certification from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to:

A. The municipal authority that reviews plans in the municipality where the facility is to be constructed; or

B. If the municipality where the facility is to be constructed has no authority who reviews plans, the municipal officers of the municipality.

If municipal officials of the municipality where the facility is to be constructed inspect buildings for compliance with construction standards, that inspection must include an inspection for compliance with the standards required by this section. The municipal officials shall require the facility inspected to meet the construction standards of this section before the municipal officials permit the facility to be occupied.

See title page for effective date.

# CHAPTER 780

## H.P. 1565 - L.D. 2171

## An Act to Amend the Workers' Compensation Insurance Laws

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

**Whereas,** under the "fresh start" provision of the workers' compensation reform law enacted in 1987, the Superintendent of Insurance is required to determine annually, beginning in 1990, whether the premiums in the residual workers' compensation market were greater or less than the losses and expenses in the market, and to surcharge or credit employers in the State as a result of the determination; and

**Whereas,** the hearings to make this determination for the first time have already begun; and

**Whereas,** this legislation amends the laws relating to those proceedings; and

**Whereas,** the Legislature intends these changes to apply to the 1990 determinations; 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 §2366, sub-§4, ¶B,** as enacted by PL 1987, c. 559, Pt. A, §4, is repealed and the following enacted in its place:

B. The plan provides for premium surcharges for employers in the Accident Prevention Account based on their specific loss experience within a specified period or other factors which are reasonably related to their risk of loss.

(1) No premium surcharge may be applied to a risk whose threshold loss ratio is less than 1.00. The threshold loss ratio is based on the ratio of "L" to "P" where:

(a) "L" is the actual incurred losses of a risk during the previous 3-year experience period as reported, except that the largest single loss during the 3-year period is limited to the amount of premium charged for the year in which the loss occurred; and

(b) "P" is the premium charged to a risk during that 3-year period.

(2) Premium surcharges apply to a premium that is experience or merit rating modified.

(3) Premium surcharges are based on an insured's adverse deviation from expected incurred losses in this State. The surcharge is based on the ratio of "A" to "B" where:

(a) "A" is the actual incurred losses of a risk during the previous 3-year experience period as reported; and

(b) "B" is the expected incurred losses of a risk during that period as calculated under the uniform experience or merit rating plan multiplied by the risk's current experience or merit rating modification factor.

(4) The premium surcharge is as follows:

| Ratio of "A" to "B" | Surcharge |
|---|---|
| Less than 1.20 | None |
| 1.20 or greater, but less than 1.30 | 5% |
| 1.30 or greater, but less than 1.40 | 10% |
| 1.40 or greater, but less than 1.50 | 15% |
| 1.50 or greater | 20% |