

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**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**

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or issued for delivery in this State shall be filed with the superintendent, at least 60 days prior to any solicitation in this State, along with sufficient information concerning the nature of the group, including any trust agreements or association bylaws. The foregoing certificate and information shall be filed for the limited purpose of permitting the superintendent to determine whether the group is a bona fide trustee group, as defined in sections 2606-A and 2806, or a bona fide association group, as defined in sections 2607-A and 2805-A. As to group insurance policies issued to groups, other than those described in this subsection, effectuated and delivered outside this State, but covering persons resident in this State, the group certificates to be delivered or issued for delivery in this State shall be filed, for the superintendent's information only, with the superintendent at ~~his~~ the superintendent's request. As to forms for use in property, marine other than wet marine and transportation insurance, casualty and surety insurance coverages, the filing required by this subsection may be made by rating or advisory organizations on behalf of its members and subscribers; but this provision shall not be deemed to prohibit any such member or subscriber from filing any such forms on its own behalf.

**Sec. 36. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1990-91

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Bureau of Insurance**

Positions	(2)
Personal Services	\$47,120
All Other	2,000
Capital Expenditures	2,000

Provides funds for an additional Senior Rate Analyst and a Clerk Typist III and related expenses.

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**TOTAL** \$51,120

**Sec. 37. Effective date.** The effective date of this Act is January 1, 1991.

**Sec. 38. Application.** This Act does not apply to commercial lines until January 1, 1992.

Effective January 1, 1991.

**CHAPTER 798**

**H.P. 1759 - L.D. 2424**

**An Act to Amend the Laws Pertaining to the Commission on Biotechnology and Genetic Engineering**

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

**Sec. 1. 7 MRSA §231, sub-§2,** as enacted by PL 1987, c. 805, §2, is amended to read:

**2. Organization of commission.** The commission shall elect its own chairman chair and such other officers as it determines necessary from among the membership. The commission shall meet at the call of the chairman chair or at the request of any 3 members. ~~Five Six~~ members shall constitute a quorum and any action ~~shall~~ require requires the affirmative vote of the greater of either a majority of those present and voting or at least ~~3~~ 4 members. ~~The chairman chair and the any other officers shall serve in such capacities for a period of one year following their elections be elected to one-year terms.~~

**Sec. 2. 7 MRSA §233, sub-§§1 and 5 to 7,** as enacted by PL 1987, c. 805, §2, are amended to read:

**1. Research.** To ~~conduct and~~ encourage research designed to further new and more extensive uses of the resources of the State, and to promote and encourage the advancement of biotechnological research in biotechnology and genetic research engineering;

**5. Risks.** To assess ~~potential~~ risks to the public, including ~~moral, ethical and social~~ the use of biotechnology and genetic engineering, their products and waste products;

**6. Release of products and waste products.** To study, analyze and review the adequacy of federal and state laws governing the release of any by-products products and waste products of these industries biotechnology and genetic engineering into the environment, ~~as to their adequacy~~ in safeguarding the public health, safety and welfare and, specifically, whether the relevant laws will prevent releases that will have any substantially deleterious effect on the population or environment of this State;

**7. Establish standards.** To establish standards for the issuance and renewal of permits for the release into the environment of these ~~by-products~~ products and waste products; and

See title page for effective date.

**CHAPTER 799**

**S.P. 938 - L.D. 2373**

**An Act to Encourage Local and Regional Health Planning and Provide Research and Technical Assistance Related to Responsibilities of the Maine Health Policy Advisory Council**

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

**Sec. 1. 5 MRSA §19104**, as enacted by PL 1987, c. 542, Pt. C, §2, is amended to read:

**§19104. Studies and reports**

The council may conduct or commission studies and reports on health policy matters. When distributing requested copies of council reports, the council may charge requestors for reasonable costs incurred in producing and mailing the copies of those reports.

**Sec. 2. 5 MRSA §19108**, as enacted by PL 1987, c. 542, Pt. C, §2, is amended to read:

**§19108. Staff**

The council shall employ an executive director, a comprehensive health planner II and a clerk typist ~~H~~ III. The council may employ additional staff as needed.

**Sec. 3. 5 MRSA §19110**, as enacted by PL 1987, c. 542, Pt. C, §2, is amended to read:

**§19110. Funding**

The cost of the council's mandated activities and advisory committee meetings ~~shall~~ must be paid from appropriations from the General Fund. The council may accept gifts and grants and may receive private and public funds, and may expend these resources from an appropriate federal or dedicated revenue account to support activities consistent with the purposes of this chapter.

**Sec. 4. Local and regional health planning.** The Department of Human Services, Office of Planning, Research and Development, shall encourage and support local and regional health planning projects. The goal of these projects is to promote active participation by consumers, providers, educators, business and public officials, and other interested parties in reforming, establishing and reestablishing health care systems that meet community needs.

The department shall work actively with representatives of such groups to encourage and facilitate grant applications to local, state and national granting agencies.

The Maine Health Policy Advisory Council and the Office of Planning, Research and Development shall provide technical advice to regional groups in the areas of preliminary organization, logistics, health resources inventories, intergovernmental relations and other areas as needed.

The Maine Health Policy Advisory Council and the Office of Planning, Research and Development shall submit a report to the Joint Standing Committee on Human Resources by December 1, 1993. The report must be a progress report on the number of local or regional groups involved in planning efforts.

See title page for effective date.

**CHAPTER 800**

**S.P. 908 - L.D. 2311**

**An Act to Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws**

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

**5 MRSA §17001, sub-§13**, as amended by PL 1987, c. 739, §§2 and 48, is further amended to read:

**13. Earnable compensation.** "Earnable compensation" means salaries and wages paid for services rendered in an employment position, subject to the following inclusions ~~and~~ , exclusions and limitations.

A. "Earnable compensation" includes:

- (1) Workers' compensation benefits;
- (2) Maintenance, if any;
- (3) Any money paid by an employer to a 3rd party under a tax sheltered annuity contract or a deferred compensation plan for the future benefit of an employee provided that the money is not derived from amounts excluded from earnable compensation by paragraph B; and
- (4) Pick-up contributions.

B. "Earnable compensation" does not include:

- (1) Payment for more than 30 days of unused accumulated or accrued sick leave, payment for more than 30 days of unused vacation leave or payment for more than 30 days of a combination of both;
- (2) Any other payment which is not compensation for actual services rendered or which is not paid at the time the actual services are rendered; or
- (3) Teacher recognition grants paid pursuant to Title 20-A, section 13503-A.

C. Notwithstanding the other provisions of this subsection, for the purpose of determining average final compensation, there may be excluded from earnable compensation that portion of any salary or wage increase received during the 3-year period used in the calculation of average final compensation that exceeds the prior year's earnable compensation by more than 15%. The portion of an increase in salary or wages that exceeds 15% may be included in earnable compensation when the executive director specifically determines that the in-