

# 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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(1) One member from the Governor Baxter School for the Deaf;

(2) One member from a statewide association for the deaf;

(3) One member from a center on deafness;

(4) One member from a company providing telecommunications relay service in this State;

(5) One member of a telephone association in this State; and

(6) Two members from the general public who must rely on TDD's for telecommunications.

2. Compensation. Compensation is not authorized.

3. Technical assistance. The commission shall provide technical assistance to the advisory council.

4. Appointment of chair and vice-chair. The members shall annually elect a chair and a vice-chair from among the membership. The vice-chair shall serve as acting chair in the absence of the chair. The council shall meet at the call of the chair but no fewer than 4 times during the calendar year. The chair may delegate, as necessary, duties to members to carry out the functions of the council.

5. Powers and duties. The advisory council shall evaluate telecommunications relay services in this State and shall advise providers of telecommunications relay services regarding telecommunications relay service matters, including, but not limited to, the development of training standards and an evaluation of the service being provided, including the quality and availability of that service.

**Sec. 8. Transition clause.** In order to accomplish a smooth transition without an interruption in service between the current telecommunications relay services administered by the State pursuant to the Maine Revised Statutes, Title 22, chapter 961 and an effective, continuous, statewide telecommunications relay system operated by other service providers, the Public Utilities Commission shall periodically notify the Department of Human Services of the development and implementation of any telecommunications relay services. The first meeting of the Telecommunications Relay Services Advisory Council must be called by the Chair of the Advisory Committee to the Division of Deafness.

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

Effective April 17, 1990.

## CHAPTER 852

H.P. 1708 - L.D. 2357

### An Act to Amend the Laws Applicable to Medicare Supplement Insurance Policies

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

**Whereas,** this Act authorizes and directs the Superintendent of Insurance to adopt rules to protect purchasers of Medicare supplement insurance policies, as required by federal law; and

**Whereas,** the rule-making process must begin immediately to permit Maine's rules and laws regarding Medicare supplement policies to comply with federal standards; 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 §5003, sub-§1,** as enacted by PL 1981, c. 234, §4, is amended to read:

**1. Issuance of rules.** The superintendent shall issue reasonable rules to establish minimum standards for benefits, claims payments, marketing practices, compensation arrangements and reporting practices under Medicare supplement policies and contracts.

**Sec. 2. 24-A MRSA §5004, sub-§3,** as enacted by PL 1989, c. 27, §4, is repealed.

**Sec. 3. Effective date.** Section 2 of this Act takes effect 90 days after adjournment of the Second Regular Session of the 114th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective April 17, 1990, unless otherwise indicated.

## CHAPTER 853

H.P. 1728 - L.D. 2387

### An Act to Clarify the Appointment of County Jail Administrators

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

**30-A MRSA §1501, first ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

The sheriff has the custody and charge of the county jail and of all prisoners in that jail and shall keep it in person, or by a deputy as jailer, master or keeper. The appointment, discipline, suspension or dismissal of the jailer, master or keeper is subject to section 501.

See title page for effective date.

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## CHAPTER 854

S.P. 940 - L.D. 2378

### An Act to Amend the Fresh Start Provision of the Workers' Compensation Insurance Laws

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

**Sec. 1. 24-A MRSA §2366, sub-§10** is enacted to read:

10. Rules. The superintendent shall adopt rules to provide for an equitable distribution among insurers of any deficit or surplus in the residual market not subject to section 2367. The rules must give due consideration to efforts by individual insurers to underwrite risks in the voluntary market.

**Sec. 2. 24-A MRSA §2367, sub-§2, ¶B**, as amended by PL 1989, c. 780, §§5 and 9, is further amended to read:

B. Any deficit determined by the superintendent pursuant to paragraph A is not the responsibility of the insurers on an individual or collective basis but is the financial obligation of all insured employers in the State, including employers who were insured during the policy year for which the deficit has been determined but who have since become self-insured. The surcharge must be an amount at least to offset the adverse cash flows resultant from the deficiency, provided that the application of the surcharge does not produce a rate of return in excess of a just and reasonable profit in the entire Maine workers' compensation market. In any event, the amount of the surcharge in any year must be at least equal to the investment income that would be earned in the 12 months following the surcharge on any portion of the deficit that is not recovered by surcharge in that year, except that the superintendent is not required to order this minimum amount in the first policy year in which a deficit is determined with respect to a policy year.

**Sec. 3. 24-A MRSA §2367, sub-§§8 and 9** are enacted to read:

8. Limit on deficits or surpluses. Notwithstanding any provision of this section, neither a surcharge or credit may be applied with respect to deficits or surpluses arising from policies issued to employers on or after January 1st of the policy year following a determination by the superintendent that:

A. No deficit exists in the residual market regarding one or more policy years under review; or

B. The rate of return in the entire Maine workers' compensation market, as determined for the purposes of this section, is just and reasonable consistent with subsection 2, paragraphs A and B.

9. Final determination of deficit or surplus; timetable for surcharge or credit. In making the annual determination required by this section, the superintendent shall make a final determination of the deficit or surplus for any policy year with respect to which the superintendent has received 7 complete annual evaluations of residual market policy year experience. Regardless of receipt of 7 complete evaluations, the superintendent shall make a final determination regarding a policy year no later than the 8th calendar year following the close of the policy year under review. If the superintendent determines that there is a surplus for that policy year, the superintendent shall order a credit under subsection 1. If the superintendent determines that there is a deficit for that policy year, the superintendent shall establish a schedule of surcharges to recover the remainder of the deficit for that policy year over a period not to exceed 10 years, except that in each year application of the surcharge is subject to subsection 2.

See title page for effective date.

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## CHAPTER 855

H.P. 1770 - L.D. 2440

### An Act to Allow the Loan of Automobiles to Municipal Law Enforcement Agencies for Educational Purposes

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

**29 MRSA §256, sub-§2**, as amended by PL 1987, c. 415, §8, is further amended to read:

**2. Municipal vehicles.** All county, municipal, school and water district vehicles shall be registered with the Secretary of State who shall furnish semipermanent plates for each vehicle which shall expire at the end of each 10-year semipermanent plate program. The vehicles shall be exempt from this Title as to payment of registration fees, but shall not be exempt from the inspection requirements of section 2502. The plate or plates shall be of a design determined by the Secretary of State.