

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

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.

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.

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.