

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

PRIVATE AND SPECIAL 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

Caribou); on the east by the corporate boundary of the City of Presque Isle (also being the west lines of the Town of Easton and the Town of Fort Fairfield) on the south by the corporate boundary of the City of Presque Isle (also being the north line of the Town of Westfield); and on the west by the corporate boundary of the City of Presque Isle (also being the east lines of the Town of Chapman, the Town of Mapleton and the Town of Washburn) is hereby created a body politic and corporate by the name of Presque Isle Sewer District for the purpose of providing in that district a system of public sewage and drainage for the comfort, convenience and health of the inhabitants of the district, with all the rights, privileges and immunities incident to similar corporations.

Sec. 2. P&SL 1941, c. 67, §1, as amended by P&SL 1987, c. 34, §2, is repealed and the following enacted in its place:

Sec. 1. Territorial limits; names purposes. The City of Presque Isle and the inhabitants and territory within that city, which is bounded and described as follows: on the north by the corporate boundary of the City of Presque Isle (also being the south line of the City of Caribou); on the east by the corporate boundary of the City of Presque Isle (also being the west lines of the Town of Easton and the Town of Fort Fairfield) on the south by the corporate boundary of the City of Presque Isle (also being the north line of the Town of Westfield); and on the west by the corporate boundary of the City of Presque Isle (also being the east lines of the Town of Chapman, the Town of Mapleton and the Town of Washburn) is hereby created a body politic and corporate by the name of Presque Isle Water District for the purpose of supplying inhabitants of that district with pure water for domestic, sanitary, commercial and municipal purposes.

Sec. 3. Referendum; effective date. This Act must be submitted to the legal voters of the districts and the legal voters of the territory to be added to the sewer and water districts at a special election or elections to be called and held for that purpose. The elections must be called by the municipal officers of the City of Presque Isle and must be held at the regular voting places. The dates of the elections must be determined by the municipal officers, but the first election in the district may not be later than December 1, 1990. These special elections must be called, advertised and conducted according to the law relating to municipal elections; except that the board of registration is not required to prepare nor the city clerk to post a new list of voters and for this purpose the board of registration shall be in session on the 3 secular days next preceding the elections, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close up its records of the session. The city clerk shall reduce the subject matter of this Act to the following questions:

(1) "Shall the boundaries of the Presque Isle Sewer District be extended?"

(2) "Shall the boundaries of the Presque Isle Water District be extended?"

The voters shall indicate by a cross (x) or check mark (✓) placed against the word "Yes" or "No" their opinion of the same.

Section 1 of this Act takes effect for all purposes immediately upon the acceptance of the question of extension of the sewer district boundaries by a majority of the legal voters of the sewer district and a majority of the legal voters of the territory to be added to the sewer district, voting at the elections, but only if the total number of votes cast for and against the acceptance of this Act in the special elections equals or exceeds 10% of the registered voters of the district and 10% of the registered voters of the territory to be added to the district, but failure of approval by the necessary percentage of voters does not prevent subsequent elections.

Section 2 of this Act takes effect for all purposes immediately upon the acceptance of the question of extension of the water district boundaries by a majority of the legal voters of the water district and a majority of the legal voters of the territory to be added to the water district, voting at the elections, but only if the total number of votes cast for and against the acceptance of this Act in the special elections equals or exceeds 10% of the registered voters of the district and 10% of the registered voters of the territory to be added to the district, but failure of approval by the necessary percentage of voters does not prevent subsequent elections.

The results of the elections must be declared by the municipal officers of the city and due certificates thereof must be filed by the city clerk with the Secretary of State.

Effective pending referendum.

CHAPTER 128

S.P. 705 - L.D. 1843

An Act to Require the Superintendent of Insurance to Review the Requirements for a Certificate of Authority for Certain Captive Medical Malpractice Insurers

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

Whereas, this Act requires the Superintendent of Insurance to review the requirements for captive medical malpractice insurers and report to the Legislature by September 1, 1990; and

Whereas, that review must begin before the expiration of the 90-day period in order to be completed on time; 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. Captive medical malpractice risk transfer corporations. For purposes of this Act, a captive medical malpractice risk transfer corporation is a domestic corporation that is directly or indirectly controlled by a domestic nonprofit hospital or hospital holding company with a net worth of at least \$50,000,000 that is solely assigned the medical malpractice risk of its parent or any of its parent's subsidiaries or affiliates and their employees for the sole purpose of facilitating the transfer of all the medical malpractice risk to a domestic or foreign reinsurer, and which independently bears none of the medical malpractice risks of its parent or the parent's affiliates or subsidiaries.

Sec. 2. Report by the superintendent. The Superintendent of Insurance shall review the minimum requirements, including minimum capital requirements, that must be met for a captive medical malpractice risk transfer corporation to obtain a certificate of authority to transact the business of insurance in this State. The superintendent shall determine whether less burdensome minimum requirements would be appropriate for the limited purpose of those corporations, revise those requirements over which the Bureau of Insurance has authority and propose legislation as necessary to revise the minimum requirements that are in statute. The superintendent shall complete the review, and submit recommendations, including a draft of any proposed legislation, to the Joint Standing Committee on Banking and Insurance of the 114th Maine Legislature and to the Office of the Executive Director of the Legislative Council by September 1, 1990.

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

Effective April 20, 1990.

CHAPTER 129

H.P. 1381 - L.D. 1912

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Restoration and Preservation of Historic Buildings and Improvements at State Park Facilities

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine

to provide funds for the restoration and preservation of historic buildings and for the preservation of state-owned historic sites.

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

Sec. 1. Authorization of bonds to provide for the restoration and preservation of historic buildings and improvements at state park facilities. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$5,000,000 for the purpose of raising funds to provide for the restoration and preservation of historic buildings and for the improvements at existing state park facilities needed to protect the public health and safety and to provide for access for person with disabilities authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 5 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. 2. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the same, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. Interest due or accruing upon any bonds issued under this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Director of the Maine Historic Preservation Commission and the Director of the Bureau of Parks and Recreation.

Sec. 6. Allocations from General Fund bond issue; restoration and preservation of historic buildings and improvements at state park facilities.