

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

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.

ties. The proceeds of the sale of bonds shall be expended as follows.

HISTORIC PRESERVATION COMMISSION

To pay for improvements associated with the restoration and preservation of historic buildings. \$1,500,000

DEPARTMENT OF CONSERVATION

To pay for improvements to facilities under the care of the Bureau of Parks and Recreation. \$3,500,000

Total General Fund Bonds \$5,000,000

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Do you favor a \$5,000,000 bond issue for the restoration and preservation of historic buildings open to the public and needed improvements at state parks and historic sites needed to protect the public health and safety and to provide access for persons with disabilities?”

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 130

S.P. 698 - L.D. 1836

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 for Construction of Water Pollution Control 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 water pollution control construction.

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

Sec. 1. Authorization of bonds to provide for water pollution control construction. 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 \$9,000,000 for water pollution control construction 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 10 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.