

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
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1991

PUBLIC LAWS
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whether these courses of study are conducted by an accredited university, college, technical college, junior college or other group;

Sec. 8. PL 1989, c. 806, §7 is amended to read:

Sec. 7. Effective date. The Maine Revised Statutes, Title 32, section 13964 takes effect ~~January 1, 1991~~ April 1, 1991.

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

Effective December 14, 1990, unless otherwise indicated.

CHAPTER 3

S.P. 17 - L.D. 6

An Act to Restrict Disclosure of HIV Test Results

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

Whereas, this legislation prohibits insurers from requesting insurance applicants to reveal the results of prior testing for the presence of antibodies to HIV; and

Whereas, these provisions were previously enacted in the Maine Revised Statutes, Title 5, but were inadvertently repealed on October 1, 1990; and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. 5 MRSA §19204-C is enacted to read:

§19204-C. Restrictions upon revealing HIV antibody test results

No insurer, nonprofit hospital or medical services organization or nonprofit health care plan may request any person to reveal whether the person has obtained a test for the presence of antibodies to HIV or a test to measure the virus or to reveal the results of such tests taken prior to an application for insurance coverage.

Sec. 2. 24 MRSA §2332-B, as enacted by PL 1989, c. 176, §1, is repealed and the following enacted in its place:

§2332-B. Acquired Immune Deficiency Syndrome

1. Definitions. As used in this section, "HIV" and "antibody to HIV" have the same meanings as set out in Title 5, section 19201.

2. Prohibitions. No individual or group hospital, medical or health care service contract delivered or issued for delivery in this State, other than a contract that provides benefits for specific diseases or accidental injuries only, may provide more restrictive coverage for Acquired Immune Deficiency Syndrome, or AIDS, AIDS Related Complex, or ARC, HIV-related diseases or for related services, than for any other disease or sickness, or exclude coverage for AIDS, ARC or HIV-related diseases, except through an exclusion under which all diseases and sicknesses are treated equally.

3. Test results. No nonprofit hospital or medical services organization or nonprofit health care plan may request any person to reveal whether the person has obtained a test for the presence of antibodies to HIV or a test to measure the virus or to reveal the results of such tests taken prior to an application for coverage.

Sec. 3. 24-A MRSA §2159, sub-§§5 and 6 are enacted to read:

5. Definitions. As used in this section, "HIV" and "antibody to HIV" have the same meanings as set out in Title 5, section 19201.

6. Test results. No insurer may request any person to reveal whether the person has obtained a test for the presence of antibodies to HIV or a test to measure the virus or to reveal the results of such tests taken prior to an application for insurance coverage.

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

Effective December 14, 1990.

CHAPTER 4

S.P. 16 - L.D. 5

An Act to Provide a Salary Payment Option for Legislators

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

Whereas, certain Legislators receive Social Security retirement benefits; and

Whereas, the current system of unequal annual payments of a Legislator's salary causes a reduction of Social Security retirement benefits in the first year of the biennium; and

Whereas, unless this legislation takes effect immediately, this problem will adversely affect retired Legislators this year; 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:

3 MRSA §2, first ¶, as affected by PL 1989, c. 878, Pt. D, §§14 and 15, is amended to read:

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December 1990 and thereafter, ~~shall receive~~ is entitled to \$10,500 in the first year and \$7,500 in the 2nd year of each biennium, ~~and shall except that if a Legislator who is a recipient of retirement benefits from the federal Social Security Administration files a written request with the Executive Director of the Legislative Council within one week after the biennium commences, the Legislator is entitled to \$9,000 in each year of the biennium.~~ In addition, each Legislator is entitled to be paid for travel at each legislative session once each week at the same rate per mile to and from that Legislator's place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike provided they have a receipt for payment of the tolls, such tolls to be reimbursed when Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and such amounts of salary and expenses at such times as the Legislature may determine during the session, and the balance at the end thereof.

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

Effective December 14, 1990.

CHAPTER 5

H.P. 10 - L.D. 13

An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues

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

Whereas, the 90-day period will be after the period during which temporary funds will be required; and

Whereas, legislative action is immediately necessary to ensure that sufficient cash is available for payment of obligations authorized by the Legislature; 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. 5 MRSA §150, 2nd ¶, as amended by PL 1981, c. 705, Pt. P, is further amended to read:

The Treasurer of State, with the approval of the Governor may negotiate a temporary loan or loans in anticipation of taxes levied for that fiscal year, but not exceeding a total of that amount of taxes estimated by the Treasurer of State to be collected in the fiscal year in which such temporary loan or loans, or renewal thereof, is made, provided that such temporary loans or renewals thereof shall not exceed any limitation set forth in the Constitution of Maine, Article IX, Section 14. Such loans may be renewed from time to time as the Treasurer of State, with the approval of the Governor, may determine, provided that each loan or renewal thereof shall be retired not later than the close of the fiscal year in which such loan was originally made and for which was levied the taxes in anticipation of the collection of which such loan was originally made; and that each such loan or renewal thereof shall comply with the provisions of this section and the Constitution of Maine, Article IX, Section 14. The Treasurer of State is directed to pay such loan or loans in anticipation of taxes during such year and there is appropriated for any year in which the Treasurer of State and the Governor deem it necessary to borrow in anticipation of taxes the sum of \$30,000,000; except that for fiscal year 1990-91, the sum may not exceed \$125,000,000.

Sec. 2. Tax Anticipation Note Debt Service Account established. The Tax Anticipation Note Debt Service Account is established for the purpose of meeting the State's obligation, including issuance costs, as a result of any tax anticipation notes that may be issued to meet expenditures already incurred by State Government during fiscal year 1990-91. Any earnings in excess of those needed to service this debt must be transferred to the General Fund no later than June 30, 1991.

Sec. 3. Treasurer of State authorization. The Treasurer of State is authorized to set aside sufficient General Fund revenues in fiscal year 1990-91 in the event there are insufficient resources in the debt service account established in section 3 of this Act to meet principal, interest and related payments. The Treasurer of State shall report to the Joint Standing Committee on Appropriations and Financial Affairs the amount, if any, of General Fund revenue set aside.