

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
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

~~unfavorable atmospheric condition, caused by fog or otherwise, persons in vehicles on the highway are not clearly discernible for a distance of 500 feet ahead, except as provided in section 1755.~~

See title page for effective date.

CHAPTER 22

S.P. 28 - L.D. 38

An Act to Permit Certain Retailers to Conduct Games of Chance

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

17 MRSA §2304, as enacted by PL 1969, c. 416, §2, is repealed.

See title page for effective date.

CHAPTER 23

S.P. 24 - L.D. 34

An Act to Amend the Retirement Laws

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

Sec. 1. 5 MRSA §18311, sub-§2, ¶A, as amended by PL 1989, c. 710, §17, is further amended to read:

A. If the member qualifies under section 18360, subsection 2, ~~paragraph D~~, contributions ~~shall be~~ are calculated at the percentage rate required of active members during the period of time covered by the service in the armed forces applied to the member's earnable compensation during the first year as an employee subsequent to service in the armed forces under the following terms and conditions:

(1) If 2 or more percentage rates were in effect during the period of service in the armed forces, the highest percentage rate ~~shall be~~ is used;

(2) The minimum rate ~~shall be~~ is 5%; and

(3) Interest at a rate set by the board not to exceed regular interest by 2 or more percentage points ~~shall be~~ is paid on the unpaid balance beginning January 1, 1976, or the date of attaining 15 years of creditable service, if later, to the date payment is made.

Sec. 2. 5 MRSA §18311, sub-§2, ¶B, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 3. 5 MRSA §18360, sub-§2, ¶E, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

E. A member who served in the armed forces ~~at any time from August 5, 1964 to May 7, 1975~~ during any federally recognized period of conflict, as defined in Title 37-B, section 504, subsection 4, paragraph A-1, subparagraph (3), is entitled to service credit under this subsection if he begins membership before January 1, 1988.

See title page for effective date.

CHAPTER 24

S.P. 106 - L.D. 203

An Act Relating to Medicare Supplement Insurance

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

Sec. 1. 24-A MRSA §5002, sub-§1-A is enacted to read:

1-A. Standardization. The superintendent may adopt rules specifying the minimum Medicare supplement contract benefits required in the State and the optional benefits available for sale in the State. All other benefits or options are prohibited in a Medicare supplement contract subject to this chapter.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1991-92

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Bureau of Insurance

All Other	\$1,600
Provides funds to allow the promulgation of rules establishing standard insurance policy options for Medicare recipients.	

See title page for effective date.

CHAPTER 25

H.P. 427 - L.D. 610

An Act to Amend Maine's Commercial Lines Cancellation Laws

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

Sec. 1. 24-A MRSA §2908, sub-§8, as amended by PL 1987, c. 559, Pt. A, §5, is further amended to read:

8. This section does not apply to any insurance policy that has not been previously renewed if the policy has been in effect less than 60 days at the time notice of cancellation is mailed or otherwise delivered, except as provided in subsection 1, paragraph A and subsection 5, paragraphs A and C. This section does not apply to any policy subject to the Maine Automobile Insurance Cancellation Control Act, subchapter II. This section does not apply to any assigned risk program. The superintendent may suspend, in whole or in part, the applicability of this section to any insurer if, in ~~his~~ the superintendent's discretion, its application will endanger the ability of the insurer to fulfill its contractual obligations.

Sec. 2. 24-A MRSA §3007, sub-§8, as enacted by PL 1985, c. 671, §2, is amended to read:

8. This notice does not apply to any insurance policy that has not been previously renewed if the policy has been in effect less than 60 days at the time notice of cancellation is mailed or otherwise delivered, except as provided in subsection 1, paragraph A and subsection 5, paragraphs A and C. This section does not apply to any policy subject to the Maine Property Insurance Cancellation Control Act, subchapter V. This section does not apply to any policy issued pursuant to any assigned risk plan. The superintendent may suspend, in whole or in part, the applicability of this section to any insurer if, in ~~his~~ the superintendent's discretion, its application will endanger the ability of the insurer to fulfill its contractual obligation.

See title page for effective date.

CHAPTER 26

S.P. 105 - L.D. 202

An Act to Improve the Enforcement of the Maine Insurance Code

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

24-A MRSA §220, as amended by PL 1973, c. 585, §12, is repealed and the following enacted in its place:

§220. Investigation of violations

1. Discretionary investigations. In addition to examinations and investigations expressly authorized, the superintendent may conduct investigations of insurance matters as the superintendent considers proper upon reasonable cause to determine whether any person has

violated any provision of this Title or to secure information useful in the lawful administration of any such provision. The cost of these investigations must be borne by the State.

2. Response to inquiries. All insurers and other persons required to be licensed pursuant to this Title shall respond to all lawful inquiries of the superintendent that relate to resolution of consumer complaints involving the licensee within 14 days of receipt of the inquiry and to all other lawful inquiries of the superintendent within 30 days of receipt. If a substantive response can not in good faith be provided within the time period, the person required to respond shall so advise the superintendent and provide the reason for the inability to respond.

See title page for effective date.

CHAPTER 27

S.P. 135 - L.D. 273

An Act Regarding the Collection of Fines

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

34-A MRSA §5404, sub-§5, ¶B, as enacted by PL 1983, c. 459, §6, is amended to read:

B. The officer shall pay the fines collected to the appropriate ~~county treasurer or clerk of courts~~ by the 15th day of the month following collection.

See title page for effective date.

CHAPTER 28

H.P. 105 - L.D. 148

An Act to Amend the Law Concerning Failure to Wear a Flotation Device

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

Whereas, the requirement that persons wear flotation devices on the Saco River saves lives during the winter months; and

Whereas, the section of the Saco River between Hiram Dam and the Atlantic Ocean is the most dangerous section of the river and the section above the Hiram Dam is less dangerous; and

Whereas, enforcement on the river of the flotation requirement is difficult; and