

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
FIRST REGULAR SESSION

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1991

of premium contributed by the group policyholder for the same period must be refunded to the employees, members or debtors in proportion to their premium contributions for that period, except as provided in subsection 2.

2. Refund amounts less than \$25 per employee, member or debtor. If the refunds required by subsection 1 would average less than \$25 per employee, member or debtor, then the group policyholder may request approval from the superintendent to apply those amounts in a different manner. The superintendent shall approve the request if, in the superintendent's opinion, the manner of application proposed would be for the sole benefit of insured employees, members or debtors.

Sec. D-3. 24-A MRSA §2812, as amended by PL 1969, c. 177, §52, is repealed.

Sec. D-4. 24-A MRSA §2812-A is enacted to read:

§2812-A. Dividends and experience refunds

The following requirements apply to all group health insurance with the exception of insurance in which the policyholder is subject to the fiduciary standards of the federal Employee Retirement Income Security Act of 1974, ERISA, 29 United States Code, Section 1001-1381 (1975).

1. Refunds. The amount by which any dividend, experience refund or rate reduction exceeds the amount of premium contributed by the group policyholder for the same period must be refunded to the employees, members or debtors in proportion to their premium contributions for that period, except as provided in subsection 2.

2. Refund amounts less than \$25 per employee, member or debtor. If the refunds required by subsection 1 would average less than \$25 per employee, member or debtor, then the group policyholder may request approval from the superintendent to apply those amounts in a different manner. The superintendent shall approve the request if, in the superintendent's opinion, the manner of application proposed would be for the sole benefit of insured employees, members or debtors.

See title page for effective date.

CHAPTER 201

H.P. 797 - L.D. 1143

An Act to Disseminate More Rapidly Information Concerning Missing Children

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

25 MRSA §2151, as enacted by PL 1985, c. 275, §2, is amended to read:

§2151. Missing children; information sent to National Crime Information Center

1. Definition. As used in this section "missing child" means any individual less than 18 years of age whose whereabouts are unknown to that individual's legal custodian if:

~~A. The circumstances surrounding that individual's disappearance indicate that the individual may possibly have been removed by another from the control of the individual's legal custodian without the custodian's consent; or~~

~~B. The circumstances of the case strongly indicate that the individual is likely to be abused or sexually exploited.~~

2. Report. Upon receiving a report of a missing child, a law enforcement agency shall conduct a preliminary investigation to determine whether the child is missing. Within 48 hours of receiving the report, if the preliminary investigation reveals that there is probable cause to believe the child is missing, the agency shall immediately enter identifying and descriptive information about the missing child into the National Crime Information Center computer and into any state computer which that the Commissioner of Public Safety may designate to receive that information. Law enforcement agencies having direct access to the National Crime Information Center computer shall enter and retrieve the data directly and shall cooperate in the entry and retrieval of data on behalf of law enforcement agencies which that do not have direct access to the systems.

Immediately after a missing child is located, the law enforcement agency which located or returned the missing child shall notify the law enforcement agency having jurisdiction over the investigation, and that agency shall cancel the entry from the National Crime Information Center computer.

3. Medical and dental records. No later than 60 days after the original entry of the record into the National Crime Information Center computer and the state computer, the entering law enforcement agency shall verify and update the record with any additional information, including, where available, medical and dental records.

See title page for effective date.

CHAPTER 202

H.P. 898 - L.D. 1295

An Act to Clarify the Time for Taking an Appeal from the Juvenile Court to the Superior Court

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