

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.

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Augusta, Maine
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PUBLIC LAWS
OF THE
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1991

Sec. 1. 24-A MRSA §2413, sub-§1, ¶E, as amended by PL 1981, c. 234, §2, is further amended to read:

E. As to a life insurance or health insurance policy, if it contains a provision or provisions such as to encourage misrepresentation; or

Sec. 2. 24-A MRSA §2413, sub-§1, ¶F, as amended by PL 1989, c. 27, §1, is further amended to read:

F. As to Medicare supplement policies or contracts, as defined in chapter 67, if the policy cannot be anticipated, as estimated for the entire period for which rates are to be computed to provide coverage, on the basis of incurred claims experience and earned premiums for that period and in accordance with accepted actuarial principles and practices, to return to policyholders in the form of aggregate benefits provided under the policy at least 65% of the aggregate amount of premiums collected in the case of individual policies and at least 75% of the aggregate amount of premiums collected in the case of group policies; or

Sec. 3. 24-A MRSA §2413, sub-§1, ¶G is enacted to read:

G. As to an individual health insurance policy, contract or rider, if it insures against a specific disease and does not meet the minimum loss ratio standards specified in subparagraph (2).

(1) As used in this paragraph, unless the context otherwise indicates, the following terms have the following meanings.

(a) "Conditionally renewable" means renewal may be declined by the insurer by class, geographic area or for stated reasons other than health.

(b) "Guaranteed renewable" means renewal may be declined by the insurer only for nonpayment of premium but rates may be revised on a class basis.

(c) "Noncancelable" means renewal may not be declined by the insurer and rates may not be revised.

(d) "Optionally renewable" means renewal is at the option of the insurer.

(2) The loss ratio standards for each type of renewal clause are:

(a) Optionally renewable insurance, 60%;

(b) Conditionally renewable insurance, 55%; and

(c) Guaranteed renewable and noncancelable insurance, 50%.

See title page for effective date.

CHAPTER 212

H.P. 895 - L.D. 1292

An Act to Clarify Regulation of Private Label Credit Cards

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

9-A MRSA §8-303, sub-§7 is enacted to read:

7. With respect to an open-end credit plan involving a credit card offered in connection with a seller located in this State using cards displaying the name of the seller:

A. The terms of the credit card contract must comply with the laws that would apply if the seller were the creditor; or

B. The name and location of the financial institution underwriting the debt must appear with equal prominence on the face of the credit card with the name of the seller.

This subsection applies to any new credit card programs implemented after November 1, 1991 or to the next renewal for any credit card accounts existing at that time. A violation of this section constitutes a violation of Title 5, chapter 10, Unfair Trade Practices Act.

See title page for effective date.

CHAPTER 213

S.P. 509 - L.D. 1358

An Act to Grant Enforcement Powers to Sewer Districts

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

Sec. 1. 38 MRSA §1151-A is enacted to read:

§1151-A. Enforcement power

A sanitary district may seek in a civil action injunctive relief from an industrial user that violates any pretreatment standard or requirement administered by the district. The district may seek a civil penalty of up to \$1,000 a day for each violation by an industrial user of a pretreatment standard or requirement.

Sec. 2. 38 MRSA §1252, first ¶, as enacted by PL 1981, c. 466, §13, is amended to read:

The following provisions ~~shall be~~ are incorporated into the private and special laws governing all sewer districts. Any part of a sewer district charter not in ~~compliance~~ conformity with this chapter ~~shall be considered is~~ repealed.

Sec. 3. 38 MRSA §1252, sub-§8 is enacted to read:

8. Enforcement power. A sewer district may seek in a civil action injunctive relief from an industrial user that violates any pretreatment standard or requirement administered by the district. The district may seek a civil penalty of up to \$1,000 a day for each violation by an industrial user of a pretreatment standard or requirement.

See title page for effective date.

CHAPTER 214

H.P. 69 - L.D. 97

An Act to Promote Cranberry Cultivation in Maine

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

Whereas, to strengthen and diversify the agricultural industry in the State it is vitally important that the growing of cranberries and other wetland crops be authorized and encouraged; and

Whereas, enactment of this legislation as an emergency measure is necessary so that it may take effect prior to the beginning of the growing season for cranberries and other wetland crops; 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. 38 MRSA §480-B, sub-§2-D is enacted to read:

2-D. Floodplain wetland. "Floodplain wetland" means lands adjacent to a river, stream or brook that are inundated with floodwater during a 100-year flood event and that under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.

Sec. 2. 38 MRSA §480-U is enacted to read:

§480-U. Cranberry cultivation

1. General permit. An individual permit is not required for the alteration of freshwater wetlands to cultivate cranberries as long as the provisions of this section are met.

2. Requirements. An application must be filed with the department and must meet the following requirements.

A. The application must contain written certification by a knowledgeable professional that the cranberry cultivation project will not be located in a wetland that has one or more of the following characteristics:

(1) Is a coastal wetland or is located within 250 feet of a coastal wetland;

(2) Is a great pond;

(3) Contains endangered or threatened plant species listed under Title 5, section 3315;

(4) Contains any type of palustrine natural community of which there are 20 or fewer occurrences in the State;

(5) Contains any of the following resources:

(i) Habitat for species appearing on the official state or federal lists of endangered or threatened species when there is evidence that the species is present;

(ii) As defined by rule by the Commissioner of Inland Fisheries and Wildlife, whether or not the resource has been mapped, high-value and moderate-value deer wintering areas; deer travel corridors; high-value and moderate-value waterfowl or wading bird habitats, including nesting and feeding areas; shorebird nesting, feeding or staging areas; or seabird nesting islands; or

(iii) Critical spawning and nesting areas for Atlantic sea run salmon as defined by rule by the Atlantic Sea Run Salmon Commission whether or not mapped;

(6) Is located within 250 feet of the normal high water line and within the same watershed of any lake or pond classified as GPA under section 465-A;

(7) Is a bog dominated by ericaceous shrubs, sedges and sphagnum moss and usually having a saturated water regime, except that applications proposing reclamation of previously mined peat bogs may be considered;

(8) Is land adjacent to the main stem of a major river, as classified in section 467, that is inundated with floodwater during a 100-year flood