

# 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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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

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authority over the ratemaking treatment of expenses and revenues associated with customer premise wire services offered by a telephone utility.

**Sec. 2. 35-A MRSA §7506** is enacted to read:

**§7506. Interexchange carrier selection**

**1. Carrier-initiated changes.** A local exchange telephone company operating in this State in an equal access exchange, as defined by the Federal Communications Commission, may not change a telephone subscriber's presubscribed interexchange carrier, at the request of an interexchange carrier, unless provided with a written authorization form from the requesting interexchange carrier signed by the telephone subscriber.

**2. Penalty.** A person who knowingly violates subsection 1 or provides false information to a local exchange telephone company concerning a telephone subscriber's preference in interexchange carriers commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged for each offense.

See title page for effective date.

**CHAPTER 319**

**S.P. 495 - L.D. 1333**

**An Act to Include Radiology in the Medical Liability Demonstration Project**

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

**Whereas,** Public Law 1989, chapter 931 establishes a medical liability demonstration project which is to begin by January 1, 1992; and

**Whereas,** the purpose of this legislation is to add the medical specialty of radiology to the medical liability demonstration project; and

**Whereas,** in order to include radiology in the medical liability demonstration project beginning January 1, 1992, it is necessary to begin the process of developing practice parameters and protocols for radiology immediately; 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 §12004-I, sub-§58-D** is enacted to read:

|             |                    |                  |                 |                |
|-------------|--------------------|------------------|-----------------|----------------|
| <u>cine</u> | <u>58-D. Medi-</u> | <u>Medical</u>   | <u>Expenses</u> | <u>24 MRSA</u> |
|             |                    | <u>Specialty</u> | <u>Only</u>     | <u>§2972</u>   |
|             |                    | <u>Advisory</u>  |                 |                |
|             |                    | <u>Committee</u> |                 |                |
|             |                    | <u>on Radi-</u>  |                 |                |
|             |                    | <u>ology</u>     |                 |                |

**Sec. 2. 24 MRSA §2972, sub-§1,** as enacted by PL 1989, c. 931, §4, is amended to read:

**1. Medical specialty areas.** The Medical Specialty Advisory Committee on Anesthesiology, in accordance with Title 5, section 12004-I, subsection 58-A; the Medical Specialty Advisory Committee on Emergency Medicine, in accordance with Title 5, section 12004-I, subsection 58-B; and the Medical Specialty Advisory Committee on Obstetrics and Gynecology, in accordance with Title 5, section 12004-I, subsection 58-C; and the Medical Specialty Advisory Committee on Radiology, in accordance with Title 5, section 12004-I, subsection 58-D are established and shall develop practice parameters and risk management protocols for their respective medical specialty areas.

**Sec. 3. 24 MRSA §2972, sub-§2, ¶D** is enacted to read:

D. The Medical Specialty Advisory Committee on Radiology consists of members with an interest in and knowledge of the specialty area. It consists of 6 members:

- (1) One physician who practices in a tertiary hospital, appointed by the Board of Registration in Medicine;
- (2) One physician who practices in a medium-sized hospital, appointed by the Board of Registration in Medicine;
- (3) One physician who practices primarily in a rural area, appointed by the Board of Registration in Medicine;
- (4) One board-certified radiologist, appointed by the Governor in consultation with the Maine Radiological Society; and
- (5) Two public members:
  - (a) One representing the interests of payors of medical costs, appointed by the President of the Senate; and
  - (b) One representing the interests of consumers, appointed by the Speaker of the House of Representatives.

**Sec. 4. 24 MRSA §2974**, as enacted by PL 1989, c. 931, §4, is amended to read:

**§2974. Report to Legislature**

~~By March 1, 1991, each~~ Each medical specialty advisory committee shall provide a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Office of the Executive Director of the Legislative Council setting forth the parameters and protocols developed by that medical specialty advisory committee and adopted by the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration. The medical specialty advisory committees also shall report the extent to which the risk management protocols reduce the practice of defensive medicine.

The Medical Specialty Advisory Committee on Anesthesiology, the Medical Specialty Advisory Committee on Emergency Medicine and the Medical Specialty Advisory Committee on Obstetrics and Gynecology shall provide this report by March 1, 1991. The Medical Specialty Advisory Committee on Radiology shall provide this report by September 1, 1991.

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

Effective June 17, 1991.

## CHAPTER 320

S.P. 396 - L.D. 1072

### An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage

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

**Whereas**, the changes proposed by this legislation make available to divorcing spouses additional options for allocation of state retirement benefits; and

**Whereas**, these changes should be made available immediately to divorcing persons who must allocate resources before this legislation would otherwise become effective; 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 §17805-A** is enacted to read:

**§17805-A. Divorce after retirement**

If the recipient of a reduced service retirement benefit under section 17804, subsection 3, 4 or 5 is granted a divorce the following provisions apply.

**1. Election of benefit for different beneficiary.** The recipient may elect to have the reduced retirement benefit paid under the same option to a different beneficiary under the following conditions:

**A.** The original spouse must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4 or 5; and

**B.** The recipient and the original spouse must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the original spouse has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood.

**2. Time and manner of election.** The recipient may make the election at any time after the divorce is granted by:

**A.** Sending a written request to the executive director; and

**B.** Submitting evidence of the divorce.

**3. Amount of benefit.** The amount of the benefit payable under the option elected is the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement benefit the recipient has been receiving, plus the amount expected to be paid to the original spouse after the recipient's death.

**4. Effective date of coverage of new beneficiary.** The effective date of the designation of the recipient's new beneficiary is the date the request is received. The recipient's retirement benefit must be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

**Sec. 2. 5 MRSA §18405-A** is enacted to read:

**§18405-A. Divorce after retirement**

If the recipient of a reduced service retirement benefit under section 18404, subsection 3, 4 or 5 is granted a divorce, the following provisions apply.

**1. Election of benefit for different beneficiary.** The recipient may elect to have the reduced retirement benefit paid under the same option to a different beneficiary under the following conditions: