

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
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tient service revenue limit that would otherwise ~~have been~~ be allocated to purchasers and payors other than ~~major 3rd-party payors~~ Medicare and Medicaid. Adjustments to the succeeding year's gross patient service revenue limit ~~shall~~ are not be made for undercharges if the undercharges resulted from an affirmative decision by the hospital's governing body to undercharge. Any such decision to undercharge must be disclosed to the commission in order that it may be taken into account in the apportionment of the hospital's approved gross patient service revenue among all payors and purchasers, ~~including major 3rd-party payors~~.

C. Payments to hospitals on the per case system ~~shall be~~ are made on the basis of charges established consistent with limits set by the commission under that system. The commission shall establish by rule the necessary adjustments to approved revenues in subsequent payment years for hospitals determined to have overcharged or undercharged purchasers and payors other than ~~major 3rd-party payors~~ Medicare and Medicaid.

Sec. 10. Effective date. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 22, section 304-A, subsection 3-A takes effect October 1, 1991.

See title page for effective date, unless otherwise indicated.

CHAPTER 486

H.P. 1313 - L.D. 1899

An Act to Increase the Minimum Amount of Insurance Coverage Required for Limousines to Conform with Federal Law

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

Sec. 1. 29 MRSA §831, first ¶, as amended by PL 1989, c. 502, Pt. B, §31, is further amended to read:

The Secretary of State ~~shall~~ may not register any motor vehicle rented or leased on plans commonly known as U-Drive, Drive Yourself or Driverless Car plans nor any motor vehicle used for livery or hire other than a limousine, except as provided in section 2708, and no person, firm or corporation may operate or cause to be operated upon any public highway in this State any such motor vehicle, until the owner or owners thereof ~~shall~~ have procured insurance or a bond, having a surety company authorized to transact business in this State or 2 individuals as sureties thereon, in the amount of \$20,000 because of bodily injury or death to any one person, and subject to the limit respecting one

person, in the amount of \$40,000 because of bodily injury to or death to 2 or more persons in any one accident, and in the amount of \$10,000 because of injury to and destruction of property in any one accident, which insurance or bond ~~shall~~ must be approved by the Secretary of State and ~~shall~~ indemnify the insured against any legal liability for personal injury, the death of any person or property damage, which injury, death or damage may result from or have been caused by the operation of the motor vehicle described in the contract of insurance or such bond. The Secretary of State ~~shall~~ may not approve the policy or bond unless it provides primary coverage for the operator as well as the owner.

Sec. 2. 29 MRSA §831, as amended by PL 1989, c. 866, Pt. A, §7 and affected by Pt. B, §26, is further amended by adding after the first paragraph a new paragraph to read:

The Secretary of State may not register a limousine used for hire and a person, firm or corporation may not operate or cause to be operated upon any public highway in this State a limousine used for hire until the owner or owners have provided liability insurance in the amount of \$1,500,000. For the purposes of this section, "limousine" means a luxury motor vehicle with a seating capacity of 5 or more passengers behind the driver.

See title page for effective date.

CHAPTER 487

H.P. 1205 - L.D. 1761

An Act to Limit Liability for Participants in Recycling Programs

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

Whereas, to encourage the statewide recycling effort, it is essential that this legislation be effective before the expiration of the 90-day period; 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. 14 MRSA §159-B is enacted to read:

§159-B. Limited liability for recycling activities by municipalities and regional associations

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Premises" means improved and unimproved lands upon which recycling activities are conducted.

B. "Recycling activities" means collection or separation or both of materials in containers:

(1) Owned by a municipality or regional association as defined in Title 38, section 1303-C, subsection 24; and

(2) Located on the premises of the owner, lessee or occupant under an agreement between the municipality or regional association and the owner, lessee or occupant of the premises.

2. No remuneration. The owner, lessee or occupant of the premises may not receive any remuneration from the municipality or regional association for allowing recycling activities to be conducted on the premises.

3. Limited liability. An owner, lessee or occupant of the premises is not liable for personal injury, property damage or death caused by recycling activities within 20 feet of the containers used in recycling activities. The containers used in recycling activities are considered other machinery or equipment, whether mobile or stationary, under Title 14, section 8104-A, subsection 1, paragraph G for which the municipality or regional association is liable as provided by the Maine Tort Claims Act.

4. Limitations. This section does not limit any liability that may otherwise exist for a willful or malicious failure to guard or warn against a dangerous condition on the premises related to the recycling activities.

5. No duty created. Nothing in this section creates a duty of care or ground of liability for injury to a person or property.

6. Costs and fees. The court may award any direct legal costs, including reasonable attorney's fees, to an owner, lessee or occupant who is found not to be liable for injury to a person or property pursuant to this section.

7. Repeal. This section is repealed on July 15, 1994.

Sec. 2. 38 MRSA §2184, sub-§3 is enacted to read:

3. Recycling activities; limited liability. When the owner, lessee or occupant of premises as defined in Title 14, section 159-B undertakes recycling activities, as defined in Title 14, section 159-B on the premises, liability is limited as provided in Title 14, section 159-B.

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

Effective June 21, 1991.

CHAPTER 488

S.P. 701 - L.D. 1869

An Act Concerning Acquisition of Heating Oil Assets

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

10 MRSA §1109, as enacted by PL 1989, c. 750, is amended to read:

§1109. Acquisition of gasoline and heating oil assets

1. Definitions. "Gasoline sales" means the retail sale of internal combustion fuel for motor vehicles as defined in Title 29, section 1, subsection 7. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Gasoline sales" means the retail sale of internal combustion fuel for motor vehicles as defined in Title 29, section 1, subsection 7.

B. "Heating oil sales" means the retail sale of #2 fuel oil used for heating residential, industrial or commercial space or water.

2. Prohibition. A person may not acquire, directly or indirectly, from a business engaged in gasoline sales or heating oil sales in this State, without prior notice as required under subsection 3:

A. Controlling stock; or

B. Substantial assets that include those used in gasoline sales or heating oil sales.

3. Report. The person acquiring stock or assets under subsection 2 shall provide notice of this acquisition to the Department of the Attorney General at least 30 days prior to the date of acquisition. That period may be shortened with the consent of the Attorney General.

4. Confidentiality. Information received by the Department of the Attorney General as a result of this reporting requirement is a confidential investigative record under Title 5, section 200-D.

5. Penalty. Violation of this section is a civil violation for which a civil penalty not to exceed \$10,000 may be assessed.

See title page for effective date.
