

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

May 31st at a time and place convenient to the appropriate school authorities or an owner, each school bus, as defined in this Title, ~~shall must~~ be submitted to an inspection conducted by the State Police. School buses requiring inspection during any month other than August and February, ~~which that~~ satisfy the inspection requirements, ~~shall must~~ be issued ~~the a~~ school bus inspection sticker ~~which will expire that expires~~ the following August or February, whichever is earlier. The operator of any official school bus inspection station, or ~~his~~ the operator's agent, shall conduct the inspection of school buses presented ~~to him~~ for that purpose in accordance with chapter 22 and with the rules ~~and regulations promulgated thereunder, for which he~~ adopted under that chapter. The operator shall receive a fee of \$4- \$8 for each school bus inspected, this sum not to include labor or material used in correction of faults in such school buses.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
EDUCATION, DEPARTMENT OF		
Reimbursement for State Mandates		
All Other	\$6,000	\$6,000
Provides funds for the increased costs of school bus inspections.		

See title page for effective date.

CHAPTER 576

H.P. 577 - L.D. 828

An Act to Clarify the Definition of Public Employer under the Municipal Public Employees Labor Relations Laws

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

26 MRSA §962, sub-§7, as amended by PL 1989, c. 499, §12, is repealed and the following enacted in its place:

7. Public employer. "Public employer" means:

A. Any officer, board, commission, council, committee or other persons or body acting on behalf of:

- (1) Any municipality or any subdivision of a municipality;**
- (2) Any school, water, sewer or other district;**

- (3) The Maine Turnpike Authority;**
- (4) The Child Development Services System;**
or
- (5) Any county or subdivision of a county; or**

B. Any employer not covered by any other state or federal collective bargaining law that is:

- (1) Established directly by the State or a political subdivision to constitute a department or administrative office of government; or**
- (2) Administered by individuals responsible to public officials or to the general electorate.**

If any public employer, as defined in this or any other section, controls the operations of another employer to the extent that the public employer deprives that other employer of sufficient control over its own employees to enable it to bargain with a labor organization representing those employees, the public employer must be treated as the employer of those employees for the purposes of this chapter.

See title page for effective date.

CHAPTER 577

S.P. 226 - L.D. 580

An Act to Require the State to Pay Municipal Permit Fees for New Construction or Improvements to State-owned Buildings

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

5 MRSA §1742-B, as amended by PL 1987, c. 91, is further amended to read:

§1742-B. Municipal building ordinances

If a municipality ~~files with the Bureau of Public Improvements a notice of intent~~ **intends** to review and issue building permits on state construction projects and public improvements, ~~such the municipality must file a notice of intent with the Department of Administration, Bureau of Public Improvements. Once the required notice is filed,~~ the projects and improvements to state-owned or leased buildings ~~shall must~~ comply with municipal ordinances governing the construction and alteration of buildings, provided that the municipal building code standards are as stringent as, or more stringent than, the code for state buildings. Prior to requesting bids, the bureau shall obtain or it shall require the project designer to obtain municipal approval of the project plans and specifications. Contractors and subcontractors shall

obtain all necessary municipal building permits and the project ~~shall~~ must be subject to municipal inspections.

~~Notwithstanding this section, no fee~~ Fees may be assessed for any permit obtained for any state construction project or public improvements to state-owned buildings.

See title page for effective date.

CHAPTER 578

H.P. 546 - L.D. 783

An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization

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

Sec. 1. 24-A MRSA §6052, sub-§3, as enacted by PL 1987, c. 542, Pt. H, §5, is amended to read:

3. Board of directors established. The Governor shall appoint a board of directors for the organization. The board ~~shall be~~ is composed of 7 members. Six of those members ~~shall~~ must represent the following interests: Two members ~~shall~~ must represent consumers of health insurance who are not otherwise affiliated with the provision or financing of health care; one member ~~shall~~ must represent domestic commercial insurers; one member ~~shall~~ must represent nonprofit hospital and medical service organizations; one member ~~shall~~ must represent hospitals; and one member ~~shall~~ must be the Superintendent of Insurance, or his a designee. Appointments ~~shall be~~ are for 5-year terms, except that no more than 2 members' terms may expire in any one calendar year. Appointments for terms of less than 5 years may be made initially and to replace vacancies, if necessary, to maintain the appropriate staggered terms of office. Members serve until their successors are appointed and qualified. The Governor shall designate the chairman chair of the board. The chairman chair of the board shall schedule an organizational meeting within 60 days of appointment.

Sec. 2. 24-A MRSA §6053, sub-§5, as enacted by PL 1987, c. 542, Pt. H, §5, is amended to read:

5. Select program administrator. Select ~~an administering insurer~~ a program administrator;

Sec. 3. 24-A MRSA §6055, as amended by PL 1989, c. 308, §3, is further amended to read:

§6055. Program administrator

1. Selection process. The board shall select ~~an insurer or insurers authorized to write health insurance~~ a program administrator through a competitive bidding process to administer the organization. The board shall

evaluate bids submitted based on criteria established by the board ~~which includes~~ that include:

- A. The ~~insurer's~~ program administrator's proven ability to handle individual accident and health insurance;
- B. The efficiency of the ~~insurer's claim paying~~ program administrator's claim-paying procedures;
- C. An estimate of total charges for administering the plan; and
- D. The ~~insurer's~~ program administrator's ability to administer the plan in a cost efficient manner.

2. Term and subsequent appointment. Term and subsequent appointment ~~shall be~~ are structured as follows.

A. ~~The administering insurer shall serve for a period of 3 years~~ initial program administrator serves until June 30, 1992, subject to removal for cause. The terms of subsequent program administrators must be set by the board of directors.

B. At least one year prior to the expiration of the ~~3-year~~ period of service by ~~an administering insurer~~ a program administrator, the board shall invite all insurers, and 3rd-party administrators, including the current ~~administering insurer~~ program administrator, to submit bids to serve as the ~~administering insurer~~ program administrator for the any succeeding ~~3-year~~ period. Selection of the ~~administering insurer~~ program administrator for the succeeding period ~~shall~~ must be made at least 6 months prior to the end of the current ~~3-year~~ period.

3. Duties. The ~~administering insurer~~ program administrator shall:

- A. Perform all eligibility and administrative claims payment functions relating to the organization;
- B. Establish a premium billing procedure for collection of premiums from insured persons. Billings ~~shall~~ must be made on a periodic basis as determined by the board;
- C. Perform all necessary functions to assure timely payment of benefits to covered persons under the organization, including:

(1) Making available information relating to the proper manner of submitting a claim for benefits to the organization and distributing forms upon which submission ~~shall~~ must be made; and

(2) Evaluating the eligibility of each claim for payment by the organization;