

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

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

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 SPECIAL SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

JULY 11, 1991 to JULY 18, 1991

medical coordination services, directly or indirectly derived from the records, papers, files or communications of the Office of Medical Coordination or acquired in the course of the performance of official duties. This subsection does not prevent any employee or that person's employer from obtaining or viewing information relating to the medical coordination services provided to the employee under this subchapter.

Sec. D-24. Implementation of rate reductions. The Superintendent of Insurance shall, in the workers' compensation proceeding authorized pursuant to Private and Special Law 1991, chapter 16 and subsequent rate proceedings, order appropriate reductions in workers' compensation rates to reflect the impact of this Act. The superintendent shall report to the Legislature whether the percentage reductions attested to by the Bureau of Insurance actuary as a result of this Act is adequately reflected in the reductions in these proceedings.

Sec. D-25. Application; retroactivity; average weekly wages, earnings or salary. That section of this Act that enacts the Maine Revised Statutes, Title 39, section 2, subsection 2, paragraph G applies to employees injured on or after the effective date of this Act and retroactively to employees injured before the effective date of this Act except those employees awarded compensation consistent with the holding in Ashby vs. Rust Engineering, 559 A.2d 774 (Me. 1989).

Sec. D-26. Applications. Except as otherwise provided, this Act applies only to injuries occurring on or after the effective date of this Act.

Sec. D-27. Effective date. The following sections take effect January 1, 1992:

1. Those sections in Part A enacting the Maine Revised Statutes:

- Title 24-A, section 2362-A;
- Title 24-A, section 2362-B;
- Title 24-A, section 2365-A;
- Title 24-A, section 2366, subsection 5, paragraph C; and
- Title 24-A, section 2366, subsection 7-A;

2. Those sections in Part A amending:

- Title 24-A, section 2364, subsection 4, paragraph A;
- Title 24-A, section 2366, subsection 2, paragraph B;
- Title 24-A, section 2366, subsection 3, paragraphs A and B; and
- Title 39, section 72; and

3. Those sections in Part C enacting:

- Title 24-A, section 2364, subsection 4, paragraph C-1; and
- Title 24-A, section 2366, subsection 11.

PART E

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

	1991-92	1992-93
WORKERS' COMPENSATION COMMISSION		
Workers' Compensation Commission		
All Other	\$35,000	\$39,450
Provides funds to establish and operate an "800" telephone number and to provide written notification to employees of workers' compensation actions.		
Office of Medical Coordination		
Positions	(2.0)	(2.0)
Personal Services	\$51,677	\$77,483
All Other	12,948	17,198
Capital Expenditures	3,500	
TOTAL	\$68,125	\$94,681
Provides funds to establish the Office of Medical Coordination to include one Medical Coordinator position and one Secretary position with related operating expenses and capital expenditure funds for computer equipment.		
WORKERS' COMPENSATION COMMISSION		
TOTAL	\$103,125	\$134,131
PART E		
TOTAL APPROPRIATIONS	\$103,125	\$134,131

Effective October 17, 1991, unless otherwise indicated.

CHAPTER 616

S.P. 786 - L.D. 1982

An Act Relating to Average Final Compensation for Purposes of the Maine State Retirement System

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

Whereas, state employees not deemed essential to the functioning of State Government were unable to work for 8 days during the month of July 1991 and are not being compensated for those days; and

Whereas, under existing law, these 8 days without pay will have the effect of reducing the service retirement benefit of state employees who will be retiring prior to the expiration of the 90-day period; and

Whereas, this reduction of benefit to these employees would be inequitable; 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:

5 MRSA §17001, sub-§4, ¶A, as amended by PL 1991, c. 121, Pt. A, §1, is further amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff as a result of a Governor's Executive Order, loss of pay pursuant to an agreement of February 15, 1991 between the Executive Department and the American Federation of State, County and Municipal Employees, Council 93, ~~or~~ days off without pay as authorized by legislative action or days off without pay resulting from any executive order declaring or continuing a state of emergency relating to the lack of an enacted budget document for fiscal years ending June 30, 1992 and June 30, 1993, the 3-year average final compensation must be determined as if the member had not been temporarily laid off, reduced in pay; or provided days off without pay; or

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

Effective July 30, 1991.

CHAPTER 617

S.P. 787 - L.D. 1983

An Act to Amend the Fees for Lobster and Crab Fishing Licenses

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

Sec. 1. 12 MRSA §6421, sub-§7-A, as amended by PL 1991, c. 528, Pt. T, §1 and affected by Part RRR and c. 591, Pt. T, §1, and affected by Part RRR, is further amended to read:

7-A. Fee. Except as provided in subsection 8, the fee for the license is:

A. ~~Forty-three dollars~~ Forty-six dollars and fifty cents for a Class I license for applicants under 18 years of age;

B. ~~Eighty-nine dollars~~ Ninety-two dollars and seventy-five cents for a Class I license for applicants 18 years of age or older;

C. ~~Two hundred sixty-six dollars~~ One hundred eighty-five dollars and fifty cents for a Class II license; and

D. ~~Three hundred sixty-five dollars~~ Two hundred seventy-eight dollars and twenty-five cents for a Class III license.

Sec. 2. 12 MRSA §6421, sub-§8, as enacted by PL 1991, c. 528, Pt. T, §1 and affected by Part RRR and c. 591, Pt. T, §1, is amended to read:

8. Exception. The fee for a Class I license for applicants 70 years of age or older is ~~\$53~~ \$46.50.

Effective October 17, 1991.

CHAPTER 618

S.P. 788 - L.D. 1984

An Act to Amend Certain Provisions of the Laws Contained in Public Law 1991, Chapter 591

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

Whereas, Public Law 1991, chapter 591 contains certain provisions that are in error; and

Whereas, Public Law 1991, chapter 591 was enacted as an emergency measure and is now in effect and the changes contained in this legislation therefore need to take effect 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 §7-B, as enacted by PL 1991, c. 528, Pt. III, §1 and affected by Pt. RRR and as enacted by c. 591, Pt. III, §1, is amended to read: