

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION
December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 3. 12 MRSA §7405-A is enacted to read:

§7405-A. Pheasant hunting

Pheasant hunting is governed by the license and permit provisions of sections 7105 and 7106-A.

1. Repeal. This section is repealed June 30, 1993.

See title page for effective date.

CHAPTER 737

H.P. 1544 - L.D. 2177

An Act to Authorize the Granting of Administrative Good Time to Those Inmates Who Are Aggressively Pursuing High School Equivalency Certificates or the Achievement of Functional Literacy

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

Sec. 1. 17-A MRSA §1253, sub-§4, as amended by PL 1991, c. 259, §1, is further amended to read:

4. Up to an additional 3 days per month may be deducted in the case of those inmates committed to the Department of Corrections who are assigned or participating in work and, education or other responsibilities within the institution or program that are deemed determined to be of sufficient importance to warrant those deductions by the institution head in accordance with policy and guidelines established by the Department of Corrections.

See title page for effective date.

CHAPTER 738

H.P. 1522 - L.D. 2151

An Act to Amend the Laws Governing Resident-owned Cooperative Mobile Home Parks

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

Whereas, emergency enactment of this legislation is necessary because tenants of mobile home parks are forming cooperatives now; 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:

10 MRSA §9097, sub-§4, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Rules. A mobile home park owner may adopt reasonable rules governing the conduct of tenants, if the rules are reasonably related to preserving the order and peace of other tenants and the mobile home park. ~~No~~ A park rule may not be unreasonable, unfair or unconscionable. Any rule or change in rent ~~which that~~ does not apply uniformly to all park tenants creates a rebuttable presumption that the rule or change in rent is unfair unless the rule or change in rent is made by majority vote of all the members in a resident-owned cooperative. Any park rule ~~which that~~ does not comply with this section is void. For purposes of this subsection, "resident-owned cooperative" means a corporation or other legal entity that owns the mobile home park, the ownership interest in which is held only by residents of the mobile home park.

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

Effective March 26, 1992.

CHAPTER 739

S.P. 846 - L.D. 2150

An Act to Provide Broader Immunity to Licensed Facilities and Establishments Donating Food

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

Whereas, the goal of this legislation is to encourage people to donate food to nonprofit organizations for free distribution to needy people; 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 §166, sub-§5 is enacted to read:

5. Immunity of facilities and establishments. Notwithstanding any other provision of law, a hospital or other health care facility licensed by the Department of Human Services, or an eating establishment licensed under Title 22, chapter 562 that, in good faith and in accordance with guidelines established by the recipient organization, donates food that is apparently fit for human consumption at the time it is donated to a bona fide charitable or nonprofit organization for free distribution is immune from civil liability arising from injury, illness or death due to the condition or content of the food, unless the injury, illness or death is a direct result of intentional misconduct of the donor. Nothing in this subsection prevents a licensed hospital, health care facility or eating establishment from receiving the immunity provided in subsection 2 if the donor qualifies for immunity under the terms of that subsection.

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

Effective March 26, 1992.

CHAPTER 740

S.P. 840 - L.D. 2144

An Act to Amend the Law Pursuant to the Medicare Supplement Insurance Minimum Standards Model Act and to Provide Consumer Information for Purchasers of Insurance

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

Whereas, federal law requires the states to adopt the National Association of Insurance Commissioners' Medicare supplemental insurance minimum standards model act and rule prior to July 30, 1992; and

Whereas, immediate action is necessary to ensure that Maine can meet that deadline or prevent federal preemption of its Medicare supplemental insurance regulatory program; 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. 24-A MRSA §5001, as enacted by PL 1981, c. 234, §4, is amended to read:

§5001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Applicant. "Applicant" means:

- A. In the case of an individual Medicare supplement policy ~~or subscriber contract~~, the person who seeks to contract for insurance benefits; and
- B. In the case of a group Medicare supplement policy ~~or subscriber contract~~, the proposed certificate holder.

2. Certificate. "Certificate" means any certificate ~~delivered or issued for delivery in this State~~ under a group Medicare supplement policy, ~~which policy has been delivered or issued for delivery in this State.~~

2-A. Certificate form. "Certificate form" means the form on which the certificate is delivered or issued for delivery by the issuer.

2-B. Issuer. "Issuer" includes insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations and any other entity delivering or issuing for delivery in this State Medicare supplement policies or certificates.

3. Medicare. "Medicare" means the "United States Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, ~~Public Law 89-97~~, as amended.

4. Medicare supplement policy. "Medicare supplement policy" means a group or individual policy of health accident and sickness insurance or a subscriber contract of a nonprofit hospital or medical service organization or nonprofit health care plan or health maintenance organization other than a policy issued pursuant to a contract under the federal Social Security Act, Section 1876 or Section 1833 or an issued policy under a demonstration project authorized pursuant to amendments to the federal Social Security Act, which is advertised, marketed or designed primarily as a supplement to reimbursements made under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare by reason of age. Such term does not include:

~~A. A policy or contract issued to one or more employers or labor organizations or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, or for members or former members, or combination thereof, of the labor organizations;~~

~~B. A policy or contract issued to any professional, trade or occupational association for its members~~