

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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haustion of the steps of appeal, the determination of the ~~State Tax Assessor's~~ assessor's right to prevent renewal or reissuance becomes final unless otherwise determined by appeal.

**Sec. 3. 36 MRSA §175, sub-§3**, as amended by PL 1989, c. 880, Pt. C, §2, is repealed and the following enacted in its place:

**3. Refusal to renew, reissue or otherwise extend license or certificate.** Notwithstanding any other provision of law, any issuing agency that is notified by the State Tax Assessor of the assessor's final determination to prevent renewal or reissuance of a license or certificate of authority under subsection 2 shall refuse to reissue, renew or otherwise extend the license or certificate of authority. Notwithstanding Title 5, sections 10003 and 10005, an action by an issuing agency pursuant to this subsection is not subject to the requirements of Title 5, chapter 375, subchapters IV and VI, and no hearing by the issuing agency or in Administrative Court is required. A refusal by an agency to reissue, renew or otherwise extend the license or certificate of authority is deemed a final determination within the meaning of Title 5, section 10002.

**Sec. 4. 36 MRSA §175, sub-§§4 and 5** are enacted to read:

**4. Subsequent reissuance, renewal or other extension of license or certificate.** The agency may reissue, renew or otherwise extend the license or certificate of authority in accordance with the agency's statutes and rules after the agency receives a certificate issued by the State Tax Assessor that the person is in good standing with respect to all returns due or with respect to any tax due as of the date of issuance of the certificate. An agency may waive any applicable requirement for reissuance, renewal or other extension if it determines that the imposition of that requirement places an undue burden on the person and that a waiver of the requirement is consistent with the public interest.

**5. Financial institutions excluded.** This section does not apply to any registration, permit, order or approval issued pursuant to Title 9-B.

**Sec. 5. 36 MRSA §191, sub-§2, ¶N**, as amended by PL 1987, c. 769, Pt. A, §148, is further amended to read:

N. The disclosure by the State Tax Assessor of computerized individual income tax data, without identification by taxpayer name, number or address, to a research agency of the Legislature; ~~and~~

**Sec. 6. 36 MRSA §191, sub-§2, ¶O**, as enacted by PL 1987, c. 769, Pt. A, §149, is amended to read:

O. The disclosure to an authorized representative of the Department of Human Services of the most

recent address of a delinquent payor of child support when a written request containing the payor's Social Security number is made by the department; and

**Sec. 7. 36 MRSA §191, sub-§2, ¶P** is enacted to read:

P. The public disclosure by the State Tax Assessor of the name, last known business address and title of the professional license or certificate of any person whose license or certificate of authority to conduct a profession, trade or business in this State has not been renewed, reissued or otherwise extended by order of the assessor pursuant to section 175. This disclosure may be made only after no further administrative or judicial review of the order is available under section 151 or the Maine Administrative Procedure Act.

See title page for effective date.

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## CHAPTER 821

S.P. 899 - L.D. 2318

### An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights

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

**Sec. 1. 5 MRSA §4681**, as enacted by PL 1989, c. 582, is amended to read:

#### §4681. Violations of constitutional rights; civil action by Attorney General

Whenever any person, whether or not acting under color of law, intentionally interferes by physical force or violence or the threat, intimidation or coercion of physical force or violence or attempts to intentionally interfere by physical force or violence or the threat, intimidation or coercion, of physical force or violence with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured. The civil action ~~shall~~ must be brought in the name of the State and ~~shall be~~ instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business.

**Sec. 2. 5 MRSA §4682**, as enacted by PL 1989, c. 582, is repealed and the following enacted in its place:

**§4682. Violations of constitutional rights; civil actions by aggrieved persons**

Whenever any person, whether or not acting under color of law, intentionally interferes by physical force or violence or the threat of physical force or violence or attempts to intentionally interfere by physical force or violence or the threat of physical force or violence with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State, the person whose exercise or enjoyment of these rights has been interfered with, or attempted to be interfered with, may institute and prosecute in that person's own name and on that person's own behalf a civil action for legal or equitable relief.

**Sec. 3. 5 MRSA §§4684 and 4685** are enacted to read:

**§4684. Application includes interference by private parties**

For the purposes of this chapter and Title 17, section 2931, rights secured by the Constitution of the United States and the laws of the United States and by the Constitution of Maine and the laws of the State include rights that would be protected from interference by governmental actors regardless of whether the specific interference complained of is performed or attempted by private parties.

**§4685. Short title**

This chapter may be known and cited as the "Maine Civil Rights Act."

See title page for effective date.

**CHAPTER 822****H.P. 1617 - L.D. 2278****An Act to Require Group Insurance Companies to Notify Covered Employees of Nonpayment of Premiums by Employers**

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

**Sec. 1. 24 MRSA §2330, sub-§1**, as enacted by PL 1981, c. 606, §1, is amended to read:

**1. Conversion provision required.** A group hospital, medical or health care service contract issued for delivery in this State by a nonprofit hospital, medical or health service organization, other than a contract ~~which~~ that provides benefits for specific diseases or accidental

injuries only, ~~shall~~ must contain a provision that if the health coverage on an employee or member ceases because of termination of employment or termination of the contract or any portion thereof, and the person has been continuously insured for a period of at least 3 months under the group contract or under the group contract and any prior group contract or policy providing similar benefits ~~which~~ that it replaces, that person ~~shall be~~ is entitled to have issued to ~~him~~ that person by the nonprofit service corporation, without evidence of insurability, a nongroup health care contract or, at the option of the nonprofit service corporation, a group certificate, provided that application ~~shall be~~ is made and the first subscription charge paid to the nonprofit service corporation within ~~31~~ 90 days after that termination. At the option of the employee or member, the converted contract may cover the employee or member, the employee or member and ~~his~~ the dependents of the employee or member or the dependents of the employee or member; provided that, in the latter 2 cases, the dependents had been covered for a period of at least 3 months under the group contract, unless the dependent persons were not eligible for coverage until after the beginning of the 3-month period. The nonprofit service corporation ~~shall have~~ has the option to provide the required coverage upon conversion through either a group or nongroup health care contract, and may issue a separate converted contract to cover any dependent. A nonprofit service corporation ~~shall~~ may not be required to provide a conversion privilege if termination of coverage under the group contract occurred because the employee or member failed to pay any required contribution or if any discontinued group coverage is replaced by continuous and substantially similar group coverage within 31 days.

**Sec. 2. 24 MRSA §2330, sub-§1-A** is enacted to read:

**1-A. Notification of cancellation.** A nonprofit hospital, medical or health service organization must provide by first class mail notification of cancellation for nonpayment of subscription charges according to this section. The notice must include the date of cancellation of coverage and the time period for exercising contract conversion rights. Notification is not required when the nonprofit hospital, medical or service organization has received written notice from the group contract holder or subgroup sponsor that replacement coverage has been obtained.

A. Notice must be mailed to the group contract holder or subgroup sponsor;

B. At the time of notification under paragraph A, notice must be mailed to the certificate holder at:

(1) The last address provided by the subgroup sponsor or the group contract holder to the nonprofit hospital, medical or health service organization; or