

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

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

(2) The office of the subgroup sponsor, if any, or the group contract holder; and

C. Notice must be mailed to the Bureau of Insurance and to the Bureau of Labor Standards.

Sec. 3. 24-A MRSA §2809-A, sub-§1, as enacted by PL 1981, c. 606, §2, is amended to read:

1. A group policy ~~which that~~ provides hospital, surgical or major medical expense insurance or any combination thereof, other than a policy ~~which that~~ provides benefits for specific diseases or accidental injuries only, ~~shall must~~ contain a provision that if the insurance on an employee or member ceases because of termination of employment or termination of the policy or any portion thereof, and the person has been continuously insured for a period of at least 3 months under the group policy or under the group policy and any prior group policy or contract providing similar benefits ~~which that~~ it replaces, that person ~~shall be~~ is entitled to have issued to ~~him~~ that person by the insurer, without evidence of insurability, an individual policy or, at the insurer's option, a group certificate of health insurance, provided that application ~~shall be~~ is made and the first premium paid to the insurer within ~~31~~ 90 days after that termination. At the option of the employee or member, the converted policy may cover the employee or member, the employee or member and ~~his~~ the employee or member's dependents or the dependents of the employee or member; provided that, in the latter 2 cases, the dependents have been covered for a period of at least 3 months under the group policy, unless the dependent persons were not eligible for coverage until after the beginning of the 3-month period. The insurer ~~shall have~~ has the option to provide the required coverage upon conversion through either a group or individual policy, and may issue a separate converted policy to cover any dependent. An insurer ~~shall~~ is not be required to provide a conversion privilege if termination of insurance under the group policy 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. 4. 24-A MRSA §2809-A, sub-§1-A is enacted to read:

1-A. Notification of cancellation. An insurer must provide by first class mail notification of cancellation for nonpayment of premium for hospital, surgical or major medical expense insurance according to this section. The notice must include the date of cancellation of coverage and the time period for exercising policy conversion rights. Notification is not required when the insurer has received written notice from the group policyholder that replacement coverage has been obtained.

A. Notice must be mailed to the group policyholder 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 policyholder to the insurer; or

(2) The office of the subgroup sponsor, if any, or the group policyholder.

C. Notice must be mailed to the Bureau of Insurance and to the Bureau of Labor Standards.

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1992-93

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Bureau of Insurance

All Other	\$1,400
-----------	---------

Provides for the allocation of funds to revise rules on the conversion rights of group insurance members.

Sec. 6. Effective date; application. Sections 1 and 3 of this Act apply to all group certificates and group policies executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1993; all group certificates and group policies are deemed to be renewed no later than the next yearly anniversary of the policy contract date.

See title page for effective date, unless otherwise indicated.

CHAPTER 823

S.P. 900 - L.D. 2319

An Act Concerning Anatomical Gifts Under the Motor Vehicle Laws

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

Sec. 1. 22 MRSA §2906, sub-§2, as enacted by PL 1969, c. 193, is amended to read:

2. Revocation. ~~Any~~ Except as provided in subsection 4, any document of gift ~~which that~~ has not been delivered to the donee may be revoked by the donor in the manner set out in subsection 1 or by destruction,

cancellation or ~~mutilation~~ mutilation of the document and all executed copies ~~thereof of the document.~~

Sec. 2. 22 MRSA §2906, sub-§4 is enacted to read:

4. Driver's license. A gift on an organ donor card pursuant to Title 29, section 540-C may be revoked by destroying, cancelling or mutilating the organ donor card and pouch.

Sec. 3. 29 MRSA §540, as amended by PL 1991, c. 32, §§2 and 3, is further amended to read:

§540. Contents of license

Each license ~~shall~~ must state the name, date of birth; and place of residence, or mailing address if different from the residence, of the licensee; and permanent number assigned the licensee, and may contain such other information as the Secretary of State ~~deems~~ considers necessary. The license ~~shall~~ must also bear a full-face color photograph of the licensee for the purpose of identification except that those persons who renew their licenses on or after their 65th birthday, persons in active military service stationed outside the State and temporary licenses issued under section 533 may be exempt from the photograph requirement. A license ~~which~~ that does not contain a photograph of the licensee may be issued as the Secretary of State ~~deems~~ determines necessary, ~~except that the holder of a commercial driver's license shall not be exempt from the color photograph requirement.~~

Every licensee shall endorse ~~his~~ the licensee's usual signature in the place as designated before using it the license and no license ~~shall be~~ is valid until so endorsed.

A fee of \$2 ~~shall be~~ is charged for the photographic license in addition to the fee charged for the license.

The Secretary of State shall provide, on each license to operate motor vehicles or motorcycles issued to a person 16 years of age or older at time of issuance, a statement indicating a ~~willingness to make~~ declaration of an anatomical gift under Title 22, chapter 710.

The statement ~~shall~~ must read as follows:

"ANATOMICAL GIFT

organ donor ~~The decal affixed hereto indicates a willingness on the part of the licensee to make an anatomical gift upon his/her death~~

When accompanied by a completed organ donor card the license holder has made a declaration of anatomical gift."

~~At the time of issuance of a first license or renewal to any person 16 years of age or older, the Secretary of State shall make available a decal indicating "organ donor," which may be affixed to the license by the licensee to indicate a willingness to make an anatomical gift under Title 22, chapter 710.~~

Sec. 4. 29 MRSA §540-C is enacted to read:

§540-C. Anatomical gifts

1. Declaration of anatomical gift. If a licensee makes a declaration on an organ donor card as provided in subsection 3 and submits the completed card to the Secretary of State, the Secretary of State shall issue a license to operate motor vehicles or motorcycles to the licensee that includes a pouch containing the organ donor card declaring that the licensee has made an anatomical gift under the Uniform Anatomical Gift Act. There is an additional \$1 fee for issuance of the anatomical gift pouch and organ donor card.

2. Willingness to make anatomical gift. The Secretary of State shall make available without additional fee an organ donor decal that expresses the licensee's willingness to make an anatomical gift. The decal must state: The decal affixed hereto indicates a willingness on the part of the licensee to make an anatomical gift upon his/her death.

3. Organ donor card. The Secretary of State shall make available to each applicant for a license or renewal license to operate motor vehicles or motorcycles an organ donor card by which the licensee may make a declaration of an anatomical gift under the Uniform Anatomical Gift Act. The completed organ donor card must accompany the license issued in a pouch provided by the Secretary of State. The organ donor card must be in substantially the following form:

DECLARATION OF ANATOMICAL GIFT

I am of sound mind and at least 16 years of age. I hereby make a gift to take effect upon my death of:
(CHECK ONE)

() My entire body or any parts of my body.

() Only the following specific part or parts of my body:

.....

.....

.....

I authorize any person or institution authorized as a donee under Maine law, by the Uniform Anatomical Gift Act, to be the recipient of this gift.

I understand that if I make this gift and receive a motor vehicle or motorcycle driver's license indicating this gift, I must destroy, cancel or mutilate the organ donor card and pouch to revoke the gift.

Signed by the donor and the following 2 witnesses in the presence of each other.

Signature.....
Address.....

Witness.....
Address.....

Witness.....
Address.....

**COMPLETION OF THIS
CARD IS OPTIONAL**

Sec. 5. Administration of Act. The Department of the Secretary of State shall retain within the Administration - Motor Vehicles Highway Fund account an amount of money from the \$1 fee sufficient to cover the cost of administering this Act. Any revenues collected in excess of costs must be credited to the General Fund.

Sec. 6. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1992-93

**SECRETARY OF STATE,
DEPARTMENT OF THE**

Administration - Motor Vehicles

All Other	\$16,425
-----------	----------

Provides funds for the purchase of materials and general operating expenses to implement an anatomical gift program. The expenses of this program will be reimbursed by the collection of fees. This will increase Highway Fund revenue by \$16,425 in fiscal year 1992-93.

Sec. 7. Effective date. This Act takes effect January 1, 1993.

Effective January 1, 1993.

CHAPTER 824

S.P. 849 - L.D. 2162

An Act to Correct Errors and Inconsistencies in the Laws of Maine

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

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and the confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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:

PART A

Sec. A-1. 1 MRSA §814, as amended by PL 1991, c. 538, §1, is repealed and the following enacted in its place:

§814. Purchase of real estate

1. Expansion in the Capitol Area. Whenever the Governor determines that public exigencies require the construction of additional buildings, structures, parking spaces or other facilities for the expansion of State Government in the Capitol Area, the Governor may purchase or take by eminent domain real estate in Augusta.

2. Capitol Area defined. The Capitol Area is defined as the following described premises:

A. The west side of Kennebec River as follows: Beginning at the intersection of the easterly line of Florence Street with the northerly line of Capitol Street; thence easterly along said northerly line of Capitol Street to a point of 150 feet westerly of the intersection of the westerly line of Federal Street projected northerly across said Capitol Street and said northerly line of Capitol Street; thence southerly and parallel to said westerly line of Federal Street about 800 feet to Kennedy Brook; thence following the thread of the stream generally easterly to its intersection with the northerly property line of the land of the State of Maine, being part of