

# 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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**PRIVATE AND SPECIAL 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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**Sec. 8. Appropriation balances at year end.**

At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

**Sec. 9. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. 10. Referendum for ratification; submission at general election; form of question; effective date.** This Act must be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Do you favor a \$9,985,000 bond issue to fund the payment of tuition for unemployed Maine citizens enrolled as full-time students in eligible programs at Maine’s technical colleges?”

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

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## CHAPTER 108

H.P. 1775 - L.D. 2457

### An Act to Delay the Workers’ Compensation Rate Increase

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

**Whereas,** there is currently pending before the Superintendent of Insurance a filing seeking increases in workers’ compensation rates and surcharges on which a decision is required to be issued under applicable laws by June 1st; and

**Whereas,** the Legislature has passed a resolve creating the Blue Ribbon Commission to Examine Alternatives to the Workers’ Compensation System to make recommendations concerning replacement of the present system; and

**Whereas,** the Legislature may take action that will cause substantial changes to the Workers’ Compensation Act, Maine Revised Statutes, Title 39 that will have a direct and immediate effect on the appropriate amounts for the rates and surcharges, but these effects can not be taken into account under current applicable law in the pending rate case and can not be taken into account in approved rates before 1993; 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. Workers’ Compensation Act changes; rate effect.** For purposes of the proceeding pending before the Superintendent of Insurance on the effective date of this section to establish rate increases and surcharges for workers’ compensation premiums making the determinations required under the Maine Revised Statutes, Title 24-A, section 2363, subsection 11 and section 2367, the date for the decision is extended to November 15, 1992. The date is extended in order to allow the Superintendent of Insurance to conduct a proceeding for the limited purpose of determining the effect of amendments enacted by the Second Regular Session or a subsequent special session of the 115th Legislature to Title 39 on workers’ compensation insurance rates and to take those findings into account in establishing surcharges, if any, in connection with the pending rate filing. The Superintendent of Insurance may not issue a decision regarding rates and surcharges under Title 24-A, section 2363, subsection 11 and section 2367 in the pending proceeding until the Superintendent of Insurance has evaluated the effect of these changes on the workers’ compensation rates and incorporated those findings in the superintendent’s decision.

The Superintendent of Insurance shall order the filing of information necessary to determine the effect

on rates and surcharges of these changes to the workers' compensation insurance laws and shall conduct a hearing within 30 days after the filing is made. Evidence and argument must be limited to matters relevant to evaluation of the effect of these changes on rates and surcharges. The time limitations of Title 24-A, section 2363, subsections 3, 6, 11 and 12 do not apply. Any proceeding held pursuant to this Act is considered a filing for a rate change under the terms of Title 24-A, section 2363, subsection 9, paragraph B. Any rates and surcharges established by the decision of the Superintendent of Insurance in the pending proceeding and the valuation change are effective beginning July 1, 1992.

This section does not apply to any rate proceeding commenced on or after November 15, 1992.

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

Effective April 9, 1992.

**CHAPTER 109**

**S.P. 972 - L.D. 2456**

**An Act Making Supplemental Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1992**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses will become due and payable prior to July 1, 1992; 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. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1991-92

**EXECUTIVE DEPARTMENT**

**Driver Education and Evaluation Programs - Substance Abuse**

Positions - Legislative Count	(-2.0)
Personal Services	(\$22,900)
All Other	22,900

Provides for the transfer of funds from Personal Services to All Other through the elimination of one Rehabilitation Counselor II position and one Substance Abuse Division Supervisor position to provide funds for increased processing of first offenders in mandated programs.

**EXECUTIVE DEPARTMENT TOTAL**

\$-0-

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

**Atlantic Sea Run Salmon Commission**

Personal Services	\$17,000
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Provides funds to meet remaining payroll obligations in fiscal year 1991-92.

**Licensing and Registration**

Personal Services	(17,000)
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Provides for the transfer of funds to meet payroll obligations.

**DEPARTMENT OF INLAND FISHERIES AND WILDLIFE TOTAL**

\$-0-

**TOTAL APPROPRIATIONS**

\$-0-

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

Effective April 9, 1992.

**CHAPTER 110**

**H.P. 1769 - L.D. 2452**

**An Act to Amend the East Pittston Water District Charter**

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