

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

In addition to requiring that the "Health Notice on Formaldehyde Emissions" set out in 24 Code of Federal Regulations 53280.309 be prominently displayed in each manufactured housing unit sold in the State and provided as part of the Manufactured Home Consumer Manual provided to each purchaser of a new manufactured home, the board shall require that a copy of that notice be provided to a purchaser of a new mobile home at the time of execution of the purchase and sales agreement, and that each purchaser sign a certification, provided at the bottom of that notice, that the purchaser has read and understood the contents of the notice before signing the purchase and sales agreement.

See title page for effective date.

CHAPTER 187

H.P. 469 - L.D. 606

An Act Concerning Mooring Permits

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

Sec. 1. 38 MRSA §480-B, sub-§5-A is enacted to read:

5-A. Mooring. "Mooring" means equipment, such as anchors, chains and lines, for holding fast a vessel, aircraft, floating dock or buoy.

Sec. 2. 38 MRSA §480-Q, sub-§11, as amended by PL 1991, c. 240, §2, is further amended to read:

11. Soil evaluation. Borings taken to evaluate soil conditions in or adjacent to a great pond, river, stream or brook, coastal wetland, freshwater wetland or sand dune are exempt from the provisions of this article provided that no area of wetland vegetation is destroyed or permanently removed; ~~and~~

Sec. 3. 38 MRSA §480-Q, sub-§12, ¶E, as enacted by PL 1991, c. 240, §3, is amended to read:

E. A notice of intent to maintain, repair or reconstruct the access way and the description of the work to be completed are submitted to the commissioner and to the municipal reviewing authority at least 20 days before the work is performed; and

Sec. 4. 38 MRSA §480-Q, sub-§13 is enacted to read:

13. Moorings. The placement of a mooring in any area regulated by this article.

See title page for effective date.

CHAPTER 188

H.P. 656 - L.D. 894

An Act to Establish Maximum Interest Rates for Automobile Financing

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

Sec. 1. 9-A MRSA §2-201, sub-§9, as amended by PL 1987, c. 129, §31, is repealed.

Sec. 2. 9-A MRSA §2-201, sub-§9-A is enacted to read:

9-A. Notwithstanding any other provision of law, the finance charge on a consumer credit sale of a motor vehicle, as defined in this section, that is sold on or after January 1, 1994 may not exceed 18% per year on the unpaid balance of the amount financed. For the purposes of this section, "motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, except agricultural machinery and any other devices that do not constitute consumer goods, as defined in Title 11, section 9-109, subsection 1.

See title page for effective date.

CHAPTER 189

S.P. 267 - L.D. 804

An Act to Clarify Reporting Requirements for Medical Malpractice Carriers to the Bureau of Insurance

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

Sec. 1. 24 MRSA §2978, sub-§1, ¶¶A and C, as enacted by PL 1989, c. 931, §4, are amended to read:

A. A report of each claim made alleging malpractice during the 5-year period ending December 31, 1991, involving any physician practicing in a medical specialty area described in section 2972. Each report must include the name of the insured, policy number, classification of risk, medical specialty, date of claim and the results of the claim, including defense costs and indemnity payments as a result of settlement or verdict, as well as any awards paid in excess of policy limits. For any claim still open, the report must include the amount of any funds allocated as reserve or paid out. For any claims made during the 5-year period ending December 31, 1991 and still open as of December 31, 1996, the insurance company shall make the report no later than June 1, 1997. Any claims open as of December 31, 1991, but that close prior to Decem-

ber 31, 1996 must be reported on the next report date required in paragraph C. The insurance company shall annually report on any claims that have remained open;

C. A report of each claim brought made against any physician practicing in a medical specialty area described in section 2972, alleging malpractice as a result of incidents occurring on or after January 1, 1992 and before January 1, 1997, that includes, but is not limited to, the name of the insured, policy number, classification of risk, medical specialty, date of claim and the results of each claim, including defense costs and indemnity payments as a result of settlement or verdict, any awards or amounts paid in excess of policy limits and any finding, if made, of whether the physician's practice was consistent with the parameters and protocols developed and adopted under section 2973. These reports must be provided not less than semiannually according to a schedule established by the Bureau of Insurance; except that reports on open claims must be made not later than June 1, 1997. At the discretion of the Bureau of Insurance, reports must be provided until all claims are closed; and

Sec. 2. 24 MRSA §2978, sub-§2, ¶A, as enacted by PL 1989, c. 931, §4, is amended to read:

A. The Bureau of Insurance shall report:

(1) The number of claims brought against physicians in the project alleging malpractice as a result of incidents occurring on or after January 1, 1992;

(2) The results of any closed claims described in this section, including defense costs and indemnity payments as a result of settlement or verdict;

(3) The status of all open claims described in this section, including defense costs, indemnity payments and any amounts held in reserve in the aggregate by medical specialty area as established under the medical specialty advisory committees' rule-making authority as set forth in section 2972. The bureau may identify data on claims arising from procedures covered by the protocols and those not covered and for claims arising out of services rendered by physicians participating in the project and those not participating. The bureau may comment on the statistical validity and variability of the data except that the superintendent may not report in such a way as to allow the identification of an individual claim reserve; and

(4) The effect of the project on the medical liability claims experience and premiums of those physicians in the project.

Sec. 3. 24 MRSA §2978, sub-§4, as enacted by PL 1989, c. 931, §4, is amended to read:

4. Confidentiality. Reports made to the superintendent and report records kept by the superintendent are not subject to discovery and are not admissible in any trial, civil or criminal, other than proceedings brought before or by the Board of Registration in Medicine or the Board of Osteopathic Examination and Registration. The superintendent shall maintain the reports filed in accordance with this section and all information derived from the reports that identifies or permits identification of the insured or the incident for which a claim was made as strictly confidential records. Information derived from reports filed in accordance with this section that does not identify or permit identification of any insured or incident for which a claim was made may be released by the superintendent or otherwise made available to the public. Open claim reserves reported by insurers under subsection 1 are not subject to discovery and are not admissible in any civil or criminal trial.

See title page for effective date.

CHAPTER 190

H.P. 593 - L.D. 808

An Act to Eliminate the Automatic Issuance of Conditional Withholding Orders

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

Sec. 1. 19 MRSA §777, sub-§1, ¶A, as enacted by PL 1985, c. 652, §50, is amended to read:

A. Whenever an obligation for support of a dependent child or spouse or alimony to a former spouse is determined and ordered by a court of this State pursuant to provisions within this Title or Title 22, that court shall order the withholding of the amount of child or spousal support or alimony, as determined by court order, from the income, regardless of source, of the person obligated to pay the support or alimony. When an order for withholding has not previously been secured, the obligee may move for an order, and the court shall grant the order. Every order of child or spousal support or alimony is deemed to include an order for withholding consistent with the order of sup-