

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

rules adopted by the Fund Insurance Review Board for determining substantial compliance. Applications may not be filed and determinations may not be made until the review board has adopted rules setting forth the criteria for determining substantial compliance for aboveground oil storage facilities. With respect to aboveground oil storage facilities, the State Fire Marshal has the same powers and duties as the Commissioner of Environmental Protection in receiving insurance claims, determining eligibility and waiving deductibles as provided in the Maine Revised Statutes, Title 38, sections 568-A and 569-A. The State Fire Marshal may appoint, subject to the Civil Service Law, such employees as may be necessary to carry out the responsibilities of the Office of the State Fire Marshal under Title 38, chapter 3, subchapter II-B. Any person so employed is under the administrative and supervisory direction of the State Fire Marshal.

Sec. 21. Application; retroactivity.

Aboveground oil storage facilities are eligible for coverage by the Groundwater Oil Clean-up Fund retroactively to April 1, 1990. An owner or operator of an aboveground oil storage facility may apply to the State Fire Marshal for coverage for a discharge that has not involved the expenditure of state funds for clean-up costs or 3rd-party damage claims prior to April 1, 1990 and has not been the subject of a clean-up order issued prior to April 1, 1990. Applications must be filed no later than 180 days after the Fund Insurance Review Board adopts rules relating to substantial compliance for aboveground oil storage facilities.

Any person denied eligibility for a discharge from an underground oil storage facility after April 1, 1990 may reapply to the Department of Environmental Protection for a new determination of eligibility. The determination of eligibility must be made using the new definition of substantial compliance contained in the Maine Revised Statutes, Title 38, section 568-A.

Notwithstanding the Maine Revised Statutes, Title 1, section 302, any application pending before the Department of Environmental Protection on the effective date of this Act is appealable to the Fund Insurance Review Board and any person with an appeal pending before the Board of Environmental Protection on the effective date may elect to withdraw the appeal from the Board of Environmental Protection and file it with the Fund Insurance Review Board.

Sec. 22. Assistance to Fund Insurance Review Board.

In providing assistance to the Fund Insurance Review Board, the Finance Authority of Maine is authorized to employ professional and nonprofessional staff to serve at the pleasure of the Chief Executive Officer.

Sec. 23. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
FUND INSURANCE REVIEW BOARD		
Fund Insurance Review Board		
All Other	\$150,000	\$150,000
Provides for the allocation of funds for administrative and general operating costs of the board.		
FUND INSURANCE REVIEW BOARD TOTAL		
	\$150,000	\$150,000
PUBLIC SAFETY, DEPARTMENT OF		
Office of the State Fire Marshal		
Positions	(2.0)	(2.0)
Personal Services	\$54,612	\$55,536
All Other	4,600	3,000
Capital Expenditures	17,500	
Provides for the allocation of funds for one additional Fire Protection Specialist Assistant position, one additional Clerk Stenographer II position and general operating costs necessary to make eligibility determinations.		
DEPARTMENT OF PUBLIC SAFETY TOTAL		
	\$76,712	\$58,536
TOTAL ALLOCATIONS	\$226,712	\$208,536

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

Effective June 16, 1993.

CHAPTER 364

H.P. 292 - L.D. 379

An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism

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

Whereas, employers and insurers have been surcharged for deficits in the residual market mechanism, and both are at risk of being surcharged and assessed further for future deficits; and

Whereas, employers and insurers face potential responsibility for deficits in the residual market mechanism that could amount to hundreds of millions of dollars; and

Whereas, in the current board of governors of the residual market mechanism, employer representatives are a minority of 3 compared to an insurer majority of up to 12; and

Whereas, it is the judgment of the Legislature that a change in the composition of the board of governors of the residual market mechanism will assist the mechanism in taking stronger hold of the affairs and business of the residual market mechanism and minimizing the amounts of future surcharges; 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 §2386, sub-§5, ¶G is enacted to read:

G. Beginning July 1, 1993, the plan must provide for a board of governors, which shall control the affairs and business of the residual market mechanism. The board of governors must be composed of 9 members, 5 of whom represent the business community of the State and 4 of whom represent insurers that are members of the residual market mechanism. The superintendent shall adopt rules to carry out the purposes of this paragraph.

(1) The representatives of insurers on the board of governors are elected by the membership at the annual meeting of the residual market mechanism for staggered terms of 3 years, with the first appointments of one member for one year, one member for 2 years and 2 members for 3 years. An insurer or a group of insurers under common ownership, management or control may not be represented by more than one person on the board of governors.

(2) The business community members of the board of governors are appointed by the superintendent for staggered terms of 3 years, with the first appointments of one member for one year, 2 members for 2 years and 2 members for 3 years.

Sec. 2. 24-A MRSA §2386, sub-§5-A is enacted to read:

5-A. Immunity. A member of the board of governors of the workers' compensation residual market pool created by Maine Insurance Rule Chapter 440 is immune from liability except for willful misconduct by the board member in the performance of the duties of a board member.

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

Effective June 16, 1993.

CHAPTER 365

H.P. 939 - L.D. 1268

An Act Regarding the Collection of Medical Payments for an Absent Parent When a Court Order Exists

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

Sec. 1. 10 MRSA §1320, sub-§3-A is enacted to read:

3-A. Medical expenses debts; court or administrative orders. A debt collector may report overdue medical expenses for a minor child to a consumer reporting agency only in the name of the responsible party identified in a court order or administrative order if the debt collector is notified orally or in writing of the existence of the order. In addition, a report may not be made until after the debt collector has notified, or made a good faith effort to notify, the responsible party of that party's obligation to pay the overdue medical expenses. Existing information regarding overdue medical expenses for a minor child in the name of a person other than the responsible party identified in a court order or administrative order is considered inaccurate information for the purposes of section 1317 and is subject to correction. A debt collector or consumer reporting agency may request reasonable verification of the order, including a certified copy of the order.

Sec. 2. 32 MRSA §11013, sub-§5 is enacted to read:

5. Reporting certain unpaid medical expenses; court or administrative orders. A debt collector may not report to a consumer reporting agency any credit or debt information regarding overdue medical expenses owed by a parent for a minor child if the debt collector is notified orally or in writing of the existence of a court order or administrative order identifying another person