

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

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

as the party responsible for payment of medical expenses for that minor child. 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. The debt collector may request reasonable verification of the order, including requesting a certified copy of the order.

See title page for effective date.

CHAPTER 366

H.P. 640 - L.D. 871

An Act to Confirm when Site Location of Development Approval Is Unnecessary

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

Whereas, state law currently provides that transfers, by sale or lease, of lots to an abutting owner are exempt from review as a subdivision under the site location of development laws; and

Whereas, the Legislature's intent in creating this exemption from review as a subdivision is also to exempt those transfers to abutters from site location of development law review; and

Whereas, the Department of Environmental Protection has promulgated rules that are contrary to this legislative intent or are being interpreted in a manner contrary to this legislative intent; and

Whereas, it is necessary for the Legislature to confirm its legislative intent in this regard; 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. 38 MRSA §482, sub-§5, ¶E, as amended by PL 1991, c. 500, §3, is further amended to read:

E. Unless intended to circumvent this article, the following transactions may not be considered lots offered for sale or lease to the general public:

- (1) Sale or lease of lots to an abutting owner or to a spouse, child, parent, grandparent or sibling of the developer;

- (2) Personal, nonprofit transactions, such as the transfer of lots by gift or devise; or

- (3) Grant of a bona fide security interest in the whole lot or subsequent transfer of the whole lot by the original holder of the bona fide security interest or that person's successor in interest; ~~and~~

Sec. 2. 38 MRSA §482, sub-§5, ¶F, as repealed and replaced by PL 1987, c. 812, §§7 and 18, is amended to read:

F. In those subdivisions ~~which that~~ would otherwise not require site location approval, unless intended to circumvent this article, the following transactions ~~shall may~~ not, except as provided, be considered lots offered for sale or lease to the general public:

- (1) Sale or lease of common lots created with a conservation easement as defined in Title 33, section 476, provided that the ~~Department of Environmental Protection department~~ is made a party; ~~and~~

Sec. 3. 38 MRSA §482, sub-§5, ¶H is enacted to read:

H. The transfer of contiguous land by a permit holder to the owner of a lot within a permitted subdivision is exempt from review under this article, provided that the land was not owned by the permit holder at the time the department approved the subdivision. Further division of the transferred land must be reviewed under this article.

Sec. 4. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to all lots in all subdivisions that have received approval under the site location of development laws as well as all pending proceedings.

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

Effective June 16, 1993.

CHAPTER 367

H.P. 740 - L.D. 998

An Act to Promote Proper Animal Health Care

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