

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

est fire wardens and laborers hired by municipalities for forest fire-fighting activities as follows.

1. Municipal responsibility. The municipality is responsible for workers' compensation costs for injuries that occur while the municipality is in actual control of forest fire-fighting activities.

2. State responsibility. The State is responsible for workers' compensation costs for injuries that occur while the State is in actual control of forest fire-fighting activities.

For purposes of this section, "actual control" means on-site supervisory responsibility for the entire command structure directing forest fire-fighting activities at the fire scene. A municipality is assumed to be in actual control until the State accepts or takes actual control.

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

Effective July 13, 1993.

CHAPTER 440

S.P. 248 - L.D. 767

An Act to Expand the Definition of Escape

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

Sec. 1. 17-A MRSA §755, sub-§1-C is enacted to read:

1-C. A person is guilty of escape from furlough or other rehabilitative program authorized under Title 34-A, section 3035 if that person intentionally goes to a location other than that permitted by the terms of the leave.

Sec. 2. 17-A MRSA §755, sub-§4, ¶B, as repealed and replaced by PL 1977, c. 510, §64, is repealed and the following enacted in its place:

B. A Class D crime if the person:

(1) Escapes from arrest or escapes from custody while the person is being transported to a jail, police station or any other facility enumerated in subsection 3, pursuant to an arrest, unless the escape is committed in the manner described in paragraph A; or

(2) Violates subsection 1-C; or

See title page for effective date.

CHAPTER 441

H.P. 138 - L.D. 183

An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness

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

Sec. 1. 24 MRSA §2325-A, sub-§5-C is enacted to read:

5-C. Coverage for certain mental illness treatment. Coverage for medical treatment for mental illnesses listed in paragraph A is subject to this subsection. Nothing in this subsection requires benefit levels or maximum life-time or annual benefits for medical treatment for mental illness that exceed the benefit levels or maximum life-time or annual benefits for other illnesses and diseases.

A. All group contracts must provide at a minimum benefits according to paragraph B, subparagraphs (1) to (3) for the usual, customary and reasonable charges for a person receiving medical treatment for:

(1) Schizophrenia;

(2) Bipolar disorder;

(3) Pervasive developmental disorder, or autism;

(4) Childhood schizophrenia;

(5) Psychotic depression, or involuntal melancholia;

(6) Paranoia;

(7) Panic disorder;

(8) Obsessive-compulsive disorder; or

(9) Major depressive disorder.

B. All policies and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1994 must provide benefits that meet the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

(1) The contracts must provide inpatient care benefits of at least 60 days per calendar year.

(2) The contracts must provide outpatient care benefits of at least \$2,000 for any com-

ination of outpatient and day treatment care. The minimum level of benefits provided must be at least 50% of the usual, customary and reasonable charge.

(3) The contracts must contain a maximum lifetime benefit of at least \$100,000 for the aggregate costs associated with a mental illness.

This subsection is repealed July 1, 1995.

Sec. 2. 24 MRSA §2325-A, sub-§9, as amended by PL 1991, c. 881, §2 and affected by §§7 and 8, is repealed and the following enacted in its place:

9. Application; expiration. Except as otherwise provided, the requirements of this section apply to all policies and any certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1984. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date. This subsection does not apply to certificates covering employees of employers with 12 or fewer employees, whether the group policy is issued to the employer, to an association or to a multiple employer trust. Such employers are subject to the provisions of chapter 330 of the Bureau of Insurance rules unless exempted by virtue of Title 24, section 2325-A, subsection 5-A or Title 24-A, section 2842, subsection 5.

Sec. 3. 24-A MRSA §2843, sub-§5-C is enacted to read:

5-C. Coverage for certain mental illness treatment. Coverage for medical treatment for mental illnesses listed in paragraph A is subject to this subsection. Nothing in this subsection requires benefit levels or maximum lifetime or annual benefits for medical treatment for mental illness that exceed the benefit levels or maximum lifetime or annual benefits for other illnesses and diseases.

A. All group contracts must provide at a minimum benefits according to paragraph B, subparagraphs (1) to (3) for the usual, customary and reasonable charges for a person receiving medical treatment for:

- (1) Schizophrenia;
- (2) Bipolar disorder;
- (3) Pervasive developmental disorder, or autism;
- (4) Childhood schizophrenia;
- (5) Psychotic depression, or involuntal melancholia;

(6) Paranoia;

(7) Panic disorder;

(8) Obsessive-compulsive disorder; or

(9) Major depressive disorder.

B. All policies and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1994 must provide benefits that meet the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

(1) The contracts must provide inpatient care benefits of at least 60 days per calendar year.

(2) The contracts must provide outpatient care benefits of at least \$2,000 for any combination of outpatient and day treatment care. The minimum level of benefits provided must be at least 50% of the usual, customary and reasonable charge.

(3) The contracts must contain a maximum lifetime benefit of at least \$100,000 for the aggregate costs associated with a mental illness.

This subsection is repealed July 1, 1995.

Sec. 4. 24-A MRSA §2843, sub-§8, as amended by PL 1991, c. 881, §4 and affected by §§7 and 8, is repealed and the following enacted in its place:

8. Application; expiration. Except as otherwise provided, the requirements of this section apply to all policies and any certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1984. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date. This subsection does not apply to certificates covering employees of employers with 12 or fewer employees, whether the group policy is issued to the employer, to an association or to a multiple employer trust. Such employers are subject to the provisions of chapter 330 of the Bureau of Insurance rules unless exempted by virtue of Title 24, section 2325-A, subsection 5-A or Title 24-A, section 2842, subsection 5.

Sec. 5. Expenditures in excess of allocations. Expenditures required by this Act of funds other than the General Fund or the Highway Fund are authorized to exceed legislative allocations during the fiscal biennium. Appropriate adjustments to basic work programs facilitating these expenditures in excess of allocations must be recommended by the State Budget Officer and approved by the Governor.

Sec. 6. Report on costs of mental illness benefits. On or before May 1, 1995, Blue Cross-Blue Shield of Maine and the Bureau of Insurance shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the joint standing committee of the Legislature having jurisdiction over banking and insurance matters on the cost of providing coverage for mental illnesses according to the requirements of this Act for employees of the State and for private employers.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide

Personal Services \$49,036

Provides for the appropriation of funds associated with an increase in health insurance costs due to an expansion of mental health coverage.

Sec. 8. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1994-95

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide

Personal Services \$14,898

Provides for the allocation of funds associated with an increase in health insurance costs due to an expansion of mental health coverage.

See title page for effective date.

CHAPTER 442

S.P. 355 - L.D. 1069

An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights

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

Sec. 1. 5 MRSA §4681, as amended by PL 1991, c. 821, §1, is further amended to read:

§4681. Violations of constitutional rights; civil action by Attorney General

Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence or attempts to intentionally interfere by physical force or violence or the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured. Each violation of this section is a civil violation for which a civil penalty of not more than \$5,000 for each defendant may be adjudged. These penalties must be applied by the Attorney General in carrying out this chapter. The civil action must be brought in the name of the State and instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business or where the alleged violation occurred. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime. Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

Sec. 2. 5 MRSA §4682, as repealed and replaced by PL 1991, c. 821, §2, is amended to read:

§4682. Violations of constitutional rights; civil actions by aggrieved persons

Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence or attempts to intentionally interfere by physical force or violence or the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other