

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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A. The director has been authorized to do so by law;

B. The Governor has approved that person or entity for insurance advice and service;

C. Coverage is unavailable or is offered only at unreasonable cost to that person or entity; and

D. That person or entity has demonstrated a strong public need for the services provided by that person or entity.

**3. Interim coverage.** The director may offer insurance advice and services for no more than 6 months when the Governor, in the absence of the Legislature, determines that it is appropriate to do so based on consideration of the risks involved and the governmental objectives served by that coverage.

**4. Directed services.** Notwithstanding the provisions of subsection 2, the director may provide insurance advice or services for family foster homes as defined in Title 22, section 8101, subsection 3; respite care providers as defined in Title 34-B, section 6201, subsection 2-A; the Casco Bay Island Transit District created by Private and Special Law 1981, chapter 22; the University of Maine System; the Maine Technical College System; and the Maine Maritime Academy.

**5. Capitalization of state-administered fund.** The state-administered fund is capitalized by payments from persons or entities insured by the fund, by returned premiums or claims proceeds paid pursuant to terms of any insurance contract and by other means the Legislature approves. In establishing the initial capitalization of the state-administered fund, the Commissioner of Administrative and Financial Services may transfer from the self-insurance fund established by section 1731 to the state-administered fund an amount that the commissioner determines to be the existing balance attributable to any risks formerly covered by the self-insurance fund that must be covered in the future by the state-administered fund. The commissioner shall deposit the state-administered fund with the Treasurer of State for investment. All proceeds of that investment accrue to the state-administered fund. The commissioner shall comply with applicable federal circulars and has the discretion to include public instrumentalities in the state-administered fund if the commissioner determines that the inclusion of these instrumentalities is necessary to allow the state-administered fund as a whole to offer insurance at affordable rates.

**6. Limitation on use of state-administered fund.** The state-administered fund may be used only for insurance purposes in accordance with this chapter and the assets of the state-administered fund may not be transferred to meet a budgetary shortfall or pay uninsured expenses.

**7. No expansion of liability under the Maine Tort Claims Act.** The insurance advice and services provided by the state-administered fund do not expand the limits of liability or abrogate immunities contained in the Maine Tort Claims Act or any other state or federal law.

**8. Payments from state-administered fund.** Pursuant to the recommendation of the director, the Commissioner of Administrative and Financial Services may cause payments from the state-administered fund or proceeds of insurance purchased in accordance with this section, or both, to be made available for repair or replacement of insured property and payment of losses and loss adjustment expenses. The rights of a person or entity insured under this section are limited to the extent specified in the contractual agreements or policies of insurance entered into between those persons or entities and the director and any involved insurance companies. Notwithstanding any contractual agreements or policies of insurance, persons or entities participating in the state-administered fund do not have a right of recovery except against the assets of the state-administered fund and do not have recourse against the General Fund, the assets of the State or the commissioner, the director or any other state employee. The commissioner shall establish procedures to ensure adequate disclosure of this limitation on rights of recovery to the entities insured under this section.

**Sec. 10. Report.** On or before January 1, 1994, the Bureau of General Services, the Bureau of Insurance, the Department of Human Services and the Department of Mental Health and Mental Retardation shall report to the Joint Standing Committee on Banking and Insurance on the availability and cost of insurance for residential child care facilities and specialized children's homes as defined in the Maine Revised Statutes, Title 22, section 8101.

See title page for effective date.

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## CHAPTER 471

S.P. 480 - L.D. 1478

### An Act to Increase Tourism Visits and Tourism Revenues for the State

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

Whereas, the tourism industry, employing 78,000 people, is the largest employer by industry sector in the State; and

Whereas, the tourism industry contributes \$100,000,000 in state tax revenues annually; and

**Whereas**, the State faces increased competitive pressure for our traditional visitors and needs to penetrate new markets; and

**Whereas**, the State has lost its competitive position in the marketplace by being 49th in the nation in marketing expenditures for tourism attraction; and

**Whereas**, 2 recent research studies conclude there is significant opportunity to increase revenues to the State by building tourism activity; and

**Whereas**, the marketing strategy must be implemented as soon as possible in order to incur the maximum return on these expenditures within this biennium; 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. 5 MRSA §13066-A**, as renumbered by RR 1991, c. 1, §13, is repealed.

**Sec. 2. 5 MRSA §13066-B** is enacted to read:

**§13066-B. Tourism marketing and development strategy**

**1. Development.** The Office of Tourism shall develop a 5-year marketing and development strategy for state tourism growth that will maximize the effectiveness of state and private sector contributions in attracting visitors to the State and increasing tourism-based revenues. The strategy must incorporate components of direct marketing in maintenance and primary markets, matching grants programs, trade markets, regional development and research.

**2. Administration.** The Office of Tourism shall administer the components of the strategy after development. Administration includes development of new markets, creation of an image of the State to entice visitor inquiries and provision of appropriate technical assistance and response mechanisms. The Office of Tourism shall support staffing of the visitor information centers and fulfill tourism information requests and in administering the strategy shall work in partnership with the tourism industry in the State.

**3. Tourism Marketing and Development Fund.** The Tourism Marketing and Development Fund is established within the Department of Economic and Community Development. The fund must be used for the development and administration of a tourism marketing and development strategy. All receipts of taxes pursu-

ant to Title 36, section 1811, 3rd paragraph must be credited to the fund in an aggregate amount not to exceed the legislatively authorized allocations for fiscal year 1993-94 and fiscal year 1994-95. This subsection is repealed July 1, 1995.

**Sec. 3. 36 MRSA §1811**, as amended by PL 1991, c. 591, Pt. XX, §§1 and 2 and affected by §§7 and 8, is further amended by adding at the end a new paragraph to read:

For the period beginning July 1, 1993 and ending June 30, 1995, the State Tax Assessor shall transfer each month to the Tourism Marketing and Development Fund all receipts of taxes imposed pursuant to this section on the value of liquor sold in licensed establishments, as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43, on the value of rental of living quarters in any hotel, rooming house, tourist or trailer camp and rental for a period of less than one year of an automobile and on the value of prepared food sold in establishments that are licensed for on-premises consumption of liquor pursuant to Title 28-A, chapter 43, less transfers pursuant to Title 30-A, section 5681, subsection 5, in excess of the base General Fund revenue estimates effective July 1, 1993 for the previous month. The State Tax Assessor shall reduce any subsequent transfers to the Tourism Marketing and Development Fund by an amount equal to the amount of General Fund revenues defined in this paragraph that are below the base General Fund estimates effective July 1, 1993 for the previous month. This paragraph is repealed July 1, 1995.

**Sec. 4. Transition.** All unencumbered balances remaining in the Tourism Marketing and Development Fund on June 30, 1995 lapse to the General Fund to be credited as sales tax revenue pursuant to the Maine Revised Statutes, Title 36, section 1811. All balances of accrued encumbrances, expenditures, assets or liabilities in the Tourism Marketing and Development Fund on June 30, 1995 must be transferred to the Office of Tourism program in the General Fund by the State Controller upon the request of the State Budget Officer and with the approval of the Governor. The Department of Economic and Community Development, in cooperation with the Bureau of the Budget, shall develop and present to the First Regular Session of the 117th Legislature a report with detailed recommendations for the long-term funding of tourism marketing and development, including, but not limited to, continuation as a current services General Fund appropriation or as an Other Special Revenue allocation funded by a dedicated source of revenue.

**Sec. 5. Working capital advance.** The State Controller is authorized to advance to the Department of Economic and Community Development, Tourism Marketing and Development Fund \$2,200,000 from the General Fund unappropriated surplus on July 1, 1993.

Funds advanced for this purpose must be returned to the General Fund no later than June 30, 1995.

**Sec. 6. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
<b>ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF</b>		
<b>Tourism Marketing and Development Fund</b>		
All Other	\$2,867,682	\$3,117,682
Provides for the allocation of funds for the implementation of the first 2 years of a 5-year tourism marketing and development strategy.		

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

Effective July 13, 1993.

## CHAPTER 472

H.P. 1098 - L.D. 1485

### An Act to Require Immediate Income Withholding for All Child Support Orders

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

**Sec. 1. 19 MRSA §214, sub-§9**, as amended by PL 1989, c. 834, Pt. B, §1, is further amended to read:

**9. Support order.** The court may order either parent of a minor child to contribute reasonable and just sums as child support payable weekly, monthly or quarterly. Availability of public welfare benefits to the family ~~must~~ may not affect the decision of the court as to the responsibility of a parent to provide child support. The court shall inquire of the parties concerning the existence of a child support order entered pursuant to chapter 7, subchapter V. If such an order exists, the court shall consider its terms in establishing a child support obligation. A determination or modification of child support under this section must comply with chapter 7, subchapter I-A.

After January 1, 1990, the court may order either parent to provide child support beyond the child's 18th birthday if the child is attending secondary school as defined in Title 20-A, section 1, until the child graduates, withdraws or is expelled from secondary school or attains the age of 19, whichever first occurs.

The court's order may include a requirement for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child. The court order must include a provision requiring the obligated parent to obtain and maintain health insurance coverage for medical, hospitalization and dental expenses, if health insurance is available to the obligated parent at reasonable cost. The court order must also require the obligated parent to furnish proof of coverage to the obligee within 15 days of receipt of a copy of the court order. For the purposes of this section, health insurance is considered reasonable in cost if it is employment-related or other group health insurance. If health insurance is not available at reasonable cost at the time of the hearing, the court order must establish the obligation to provide health insurance on the part of the obligated parent effective immediately upon insurance being available at reasonable cost. The court may enforce a support order as provided in chapter 14-A.

When the Department of Human Services provides support enforcement services, the support order must include a provision that requires the responsible parent to keep the department informed of any changes in that parent's current address, the name and address of that parent's current employer and whether the responsible parent has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information and any subsequent changes.

**Sec. 2. 19 MRSA §581, sub-§9**, as amended by PL 1989, c. 834, Pt. B, §9, is further amended to read:

**9. Support order.** The court may order either parent of a minor child to contribute reasonable and just sums as child support payable weekly, monthly or quarterly. The court shall inquire of the parties concerning the existence of a child support order entered pursuant to chapter 7, subchapter V. If such an order exists, the court shall consider its terms in establishing a child support obligation. A determination or modification of child support under this section must comply with chapter 7, subchapter I-A.

An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child. The court order must include a provision requiring an obligated parent to obtain and maintain health insurance coverage for medical, hospitalization and dental expenses, if health insurance is available to the obligated parent at reasonable cost. The court order must also require the obligated parent to furnish proof of such coverage to the obligee within 15 days of receipt of a copy of the court order. For the purposes of this section, health insurance is considered reasonable in cost if it is employment-related or other group health insurance. If health insurance is not available at reasonable cost at the time of the hearing, the court order must establish the obligation to provide health insurance on the part of the obligated parent effective