

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

3. Special data calls. The superintendent may, with prior notice, require the insurer and self-insurer statistical organizations to conduct special data calls or studies to collect information to evaluate the costs or operations of the workers' compensation system and to evaluate medical injury or disease outcomes of compensable claims. In any special data call imposed by the superintendent under this subsection, consideration must be given to the information collected and maintained by insurers and self-insurers. Requests for information not being collected on the effective date of this subsection must be prospective.

4. Other data collection systems. The statistical organizations may rely on data collected and reported by other data-gathering organizations or agencies, such as the Workers' Compensation Board or the Department of Labor, and shall coordinate with any other statutorily created medical data collection systems. If a statistical organization is to incorporate data from other sources, it must satisfy itself that the data is sufficiently complete and accurate for the purpose for which it is to be used. The Workers' Compensation Board and the Department of Labor shall assist the statistical organizations in the development and maintenance of a comprehensive data base by recording and making available information within the custody and control of each, respectively, pursuant to the request of the statistical organization. The superintendent may suspend the reporting requirements of specific items for periods when information that is to be obtained from the Workers' Compensation Board is temporarily unavailable or information is found to be unreliable and the unreliability is not a result of the reporting practices of the carriers or self-insurers. The superintendent may accept an established data collection mechanism that is substantially in compliance with the data elements specified in this section and otherwise meets the requirements of this section.

5. Noncompliance penalties. A statistical organization must include as part of its plan a means of monitoring member or subscriber compliance with the reporting requirements and must include a schedule of monetary penalties for failure to comply with reporting requirements. The statistical agent and companies are responsible for the accuracy of the data maintained and reported to the superintendent in the data base.

6. Reports. The superintendent shall prescribe the frequency of and schedule for reports by the statistical organization. Reports must be required on at least an annual basis.

7. Confidentiality. Any report of information relating to a particular claim is confidential and may not be revealed by the superintendent, except that the superintendent may make compilations including this

information. Any information provided to the superintendent regarding self-insurance is confidential to the extent protected by Title 39-A, section 403.

8. Accuracy. The statistical organization shall take all reasonable steps to ensure the accuracy of the information provided to it and reported by it.

9. Retention of records. Each insurer or self-insurer shall retain its workers' compensation medical claim records for a period not less than 3 years from the date of injury or reported illness. Records may be retained through original source documents or electronic file storage.

10. Application. This section applies to all claims occurring on or after January 1, 1993.

Sec. 3. 39-A MRSA §404, sub-§14, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

14. Statistical advisory organization. The association is authorized to act as the statistical advisory organization designated by the Superintendent of Insurance to collect and report data for self-insurers in accordance with Title 24-A, ~~section~~ sections 2384-B and 2384-C. All individual and group self-insurers are subject to this subsection as a condition of authority to self-insure in this State. The association is authorized to amend its plan of operation adopted pursuant to subsection 5 or to adopt a separate plan of operation to further the purposes of this subsection. The amendment or plan must provide for an equitable method of distributing the reasonable and necessary costs of performing the data collection and reporting functions required by law and rules adopted by the superintendent and that method may include one or a combination of the following: the assessment of all individual and group self-insurers, the assessment of nonmember self-insurers or the use of other funds available to the association. Any assessment must be made equitably and may be computed on the basis of claims paid, the annual standard premium as set forth in subsection 4 or any other basis approved by the association. For purposes of this subsection, nonmember self-insurers must comply with the association's plan of operation.

See title page for effective date.

CHAPTER 611

H.P. 1215 - L.D. 1634

An Act to Clarify Plumbing Permit Fees

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

Whereas, statutory changes enacted by the Maine Revised Statutes, Title 30-A, section 4211, subsections 2 and 5 and section 4221, subsection 4 have affected the ability of municipalities and the Department of Human Services to administer plumbing inspection programs; 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. 30-A MRSA §4211, sub-§5, as enacted by PL 1993, c. 404, Pt. C, §2, is amended to read:

5. Permit fees. The following permit fees may be charged.

A. A ~~fixture~~ plumbing permit fee of \$4 per internal fixture may be charged.

B. A maximum plumbing permit fee of \$4 may be charged for all other internal plumbing work.

C. A minimum ~~plumbing permit~~ fee, not to exceed \$12, may ~~not~~ be charged for all internal plumbing permits combined.

D. A nonengineered subsurface waste water disposal system fee not to exceed \$60 may be charged.

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

Effective April 7, 1994.

CHAPTER 612

S.P. 594 - L.D. 1653

An Act to Enable the Use of Former Exit 5 on the Maine Turnpike for Access to an Adjacent Liquor Store and Hotel and Conference Center Facility

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

Sec. 1. 23 MRSA §1201, sub-§§37 and 38, as enacted by PL 1985, c. 506, Pt. A, §47, are amended to read:

37. Norway, South Paris and the Oxford Hills Region. Such sign ~~shall~~ must be constructed and maintained on the Maine Turnpike no more than 7 miles southerly from exit 11 and shall be worded as follows:

EXIT FOR NORWAY, SOUTH PARIS
AND THE OXFORD HILLS
REGION; ~~and~~

38. Bates College. The signs ~~shall~~ must be provided by Bates College. The Maine Turnpike shall erect one sign on the side of the northbound lanes between exits 12 and 13 and one sign on the side of the southbound lanes north of exit 13. The Maine Turnpike Authority ~~shall be~~ is responsible for the maintenance of the signs; ~~and~~

Sec. 2. 23 MRSA §1201, sub-§39 is enacted to read:

39. Saco Plaza; facilities at former Exit 5. Signs for the facilities permitted by Title 23, section 1967, subsection 5 must be installed and maintained along the northbound and southbound lanes of the Maine Turnpike at appropriate locations leading to and at the former exit 5 of the Maine Turnpike. The signs must be provided and maintained by the Maine Turnpike Authority. The signs must be paid for by the Department of Administrative and Financial Services and the owners or operators of any facilities described in the signs. The Department of Administrative and Financial Services and owners or operators of the facilities may decide upon the division of expenses.

One sign along the northbound lanes and one sign along the southbound lanes must incorporate the single or multicolored logos or designs used by the hotel or convention center operator. These signs must briefly describe the services available to the traveling public.

Sec. 3. 23 MRSA §1965, sub-§1, ¶S-1, as enacted by PL 1991, c. 622, Pt. EE, §2, is amended to read:

S-1. Utilize the Department of Transportation, Office of Legal Services or the Department of the Attorney General for general counsel, bond counsel, labor defense, workers' compensation, legislative issues and other required legal services on a fee-for-service basis at rates determined by those agencies; ~~and~~

Sec. 4. 23 MRSA §1965, sub-§1, ¶T, as enacted by PL 1981, c. 595, §3, is amended to read: