

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Provides for the allocation of funds to allow for the upgrade of one Insurance Contract Examiner position to one Senior Insurance Rate Analyst position, to authorize one Senior Health Care Financial Analyst position and to provide for additional general operating costs resulting from increased regulatory responsibilities.

**DEPARTMENT OF
PROFESSIONAL AND
FINANCIAL REGULATION
TOTAL**

\$81,300

PART B

Sec. B-1. 24-A MRSA §4204, sub-§2-A,
¶¶J to N are enacted to read:

J. The health maintenance organization offers to groups of all sizes health benefit plans that meet the requirements for standardized health plans specified in Bureau of Insurance Rule Chapter 750.

K. The health maintenance organization provides a spectrum of providers and services that meet patient demand.

L. The health maintenance organization provides to its members reasonable access to health care services. The superintendent shall adopt rules that consider geographical and transportation problems in rural areas.

M. The health maintenance organization demonstrates a plan for providing services for rural and underserved populations and for developing relationships with essential community providers within the area of the proposed certificate. The health maintenance organization must make an annual report to the superintendent regarding the plan.

N. Beginning July 1, 1995, the health maintenance organization offers coverage for purchase by individuals.

Sec. B-2. Cooperation of Bureau of Insurance and Maine Health Care Finance Commission regarding health care services information and data. The Bureau of Insurance and the Maine Health Care Finance Commission shall begin coop-

erative efforts in the field of health care information and data. The Bureau of Insurance and the Maine Health Care Finance Commission shall consult with each other and work cooperatively in the collection, storage and processing of information related to the utilization of health care services in the State and the costs and sources of payments for those services. To further these cooperative efforts, the Bureau of Insurance and Maine Health Care Finance Commission are exempt from their respective confidentiality restrictions. The Bureau of Insurance must comply with all confidentiality requirements of the Maine Health Care Finance Commission for any information and data it receives from the commission. The Maine Health Care Finance Commission must comply with the confidentiality requirements of the Bureau of Insurance for any information it receives from the bureau.

Sec. B-3. Report. Blue Cross and Blue Shield of Maine shall study the experience of its small group and individual pools and report its findings to the joint standing committee of the Legislature having jurisdiction over banking and insurance matters on or before January 1, 1995. The study shall adjust for differences in benefits covered under the 2 pools and shall analyze the extent to which the differences in experience are explained by demographic differences.

Sec. B-4. Report. The Bureau of Insurance shall report to the joint standing committee of the Legislature having jurisdiction over banking and insurance matters on or before March 1, 1996 on the effects of having separate pools for small groups and individuals and on the potential effects of combining the pools. The report must include available information based on experience in Maine or in other states.

See title page for effective date.

CHAPTER 703

H.P. 1343 - L.D. 1810

**An Act to Strengthen the Maine
Bottle Deposit Laws**

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

Sec. 1. 32 MRSA §1866, sub-§8 is enacted to read:

8. Application to containers originally sold in the State. The obligations to accept or take empty beverage containers and to pay the refund value and handling fees for such containers as described in subsections 1, 2, 3, 4 and 5 apply only to containers originally sold in this State as filled beverage contain-

ers. A person who, for the purpose of obtaining a refund value or handling fee, tenders to a dealer, distributor, redemption center or bottler more than 10 cases with 24 empty beverage containers in each case that the person knows or has reason to know were not originally sold in this State as filled beverage containers is subject to the enforcement action and civil penalties set forth in this subsection. A person who violates the provisions of this subsection is subject to a civil penalty of the greater of \$100 for each container or \$25,000 for each tender of containers.

Sec. 2. 32 MRSA §1869, sub-§4 is enacted to read:

4. Container pickup. Notwithstanding subsection 1, a person who knowingly violates a provision of section 1866, subsection 5 commits a civil violation for which a forfeiture of \$1,000 may be adjudged.

See title page for effective date.

CHAPTER 704

H.P. 1214 - L.D. 1633

An Act to Amend the Provisions Relating to Mental Examination and Observation of Persons Accused of a Crime

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

Sec. 1. 15 MRSA §101-B, sub-§2, ¶A, as enacted by PL 1987, c. 402, Pt. A, §109, is amended to read:

A. It appears to the court, based on the report of any such examiner, that:

(1) The defendant suffers may suffer or may have suffered from a mental disease or defect, abnormal condition of mind or any mental or emotional condition affecting his the defendant's guilt, criminal responsibility or his competence to stand trial; or

(2) Further observation is required; or

See title page for effective date.

CHAPTER 705

H.P. 1358 - L.D. 1833

An Act to Reinstitute Stipends

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

Sec. 1. 5 MRSA §7065, sub-§2, as repealed and replaced by PL 1989, c. 418, §§1 and 4, is amended to read:

2. Salary limits. No position may be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan except as provided by subsections 2-A and 2-B subsection 2-D.

Sec. 2. 5 MRSA §7065, sub-§2-D is enacted to read:

2-D. Recruitment and retention adjustments. Subject to this subsection, the director, with the agreement of the bargaining agent, if applicable, may approve payment of recruitment and retention adjustments when the payment of a labor market adjustment is required to recruit and retain an adequate work force.

A. Payment of a recruitment and retention adjustment may be authorized only when justified by the following conditions.

(1) High turnover exists or long-term vacancies exist within State Government in the relevant occupational classifications or job series.

(2) The relevant occupational classification or job series has a clear, geographically definable labor market within which the State must compete.

(3) All appropriate recruitment and retention efforts have been attempted and have proven ineffective at the current levels of compensation.

(4) Comprehensive, verifiable documentation of labor market compensation levels for the relevant occupation has been compiled to determine competitive pay levels within the defined labor market. This documentation must demonstrate that a labor market disparity exists and that the disparity represents a long-term, not transitory or seasonal, problem.

B. The labor market adjustment must be reviewed at least every 2 years and adjusted to changes in the labor market or the overall relation of the standard pay policy to the specialized labor market. If the subsequent review provided in this paragraph results in the adjustment being decreased or discontinued, an employee receiv-