

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

2. Exception. This section does not apply to a farmer who transports a division 1.1, 1.2 or 1.3 explosive for the farmer's own use to and from the farm or field within a 20-mile radius.

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

Effective May 11, 1995.

CHAPTER 68

H.P. 326 - L.D. 447

An Act Regarding the Expansion of Certain Waste Disposal Facilities

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

Sec. 1. 38 MRSA §1310-X, sub-§3, ¶B, as repealed and replaced by PL 1991, c. 297, §1, is amended to read:

B. The department determines that the proposed expansion is contiguous with the existing facility and is located on property owned on December 31, 1989 by the licensee or on September 30, 1989 or by a corporation or other business entity under common ownership or control with the licensee; and

See title page for effective date.

CHAPTER 69

S.P. 199 - L.D. 542

An Act to Include the Law Court's Imprisonment Sentencing Procedure in the Maine Criminal Code

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

Sec. 1. 17-A MRSA §1252-C is enacted to read:

§1252-C. Sentencing procedure relating to the imprisonment

In imposing a sentencing alternative pursuant to section 1152 that includes a term of imprisonment relative to murder, a Class A, Class B or Class C crime, in setting the appropriate length of that term as well as any unsuspended portion of that term accompanied by a period of probation, the court shall employ the following 3-step process:

1. The court shall first determine a basic term of imprisonment by considering the particular nature and seriousness of the offense as committed by the offender.

2. The court shall next determine the maximum period of imprisonment to be imposed by considering all other relevant sentencing factors, both aggravating and mitigating, appropriate to that case. These sentencing factors include, but are not limited to, the character of the offender and the offender's criminal history, the effect of the offense on the victim and the protection of the public interest.

3. The court shall finally determine what portion, if any, of the maximum period of imprisonment should be suspended and, if a suspension order is to be entered, determine the appropriate period of probation to accompany that suspension.

See title page for effective date.

CHAPTER 70

H.P. 12 - L.D. 6

An Act to Amend the Workers' Compensation Laws to Provide an Exemption from Coverage Requirements for Nonresident Employees

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

Sec. 1. 39-A MRSA §113 is enacted to read:

§113. Exemption for nonresident employees; reciprocity

1. Exemption. An employee who is employed in another state and that employee's employer are exempt from this Act with respect to that employee while the employee is temporarily in this State doing work for that employer if:

A. The employee is not a resident of this State and was not hired in this State;

B. The employer does not have a permanent place of business in the State;

C. The employee's presence in this State for purposes of conducting employment activities does not exceed any of the following periods:

- (1) Five consecutive days;
- (2) Ten days in any 30-day period; or
- (3) Thirty days in any 360-day period;

D. The employer and employee are covered by the provisions of the workers' compensation laws or similar laws of the other state and that law applies to them while they are working in this State;

E. The employer has furnished workers' compensation insurance coverage under the workers' compensation laws or similar laws of the other state so as to cover the employee's employment while in this State;

F. The extraterritorial provisions of this Act covering employees in this State temporarily working in the other state are recognized in the other state; and

G. Employers and employees covered in this State are exempt from the application of the workers' compensation laws or similar laws of the other state under legislation comparable to this section.

2. Other state's laws prevail. If the exemption provided in subsection 1 applies, the workers' compensation laws or similar laws of the other state are the exclusive remedy against the employer in that state for any injury, whether resulting in death or not, received by an employee while working for that employer in this State.

3. Certificate of compliance. A certificate from a duly authorized official of the workers' compensation board or similar department or agency of the other state certifying that an employer is insured in that other state and has provided extraterritorial coverage insuring the employer's employees while working within this State is prima facie evidence that the employer carries such compensation insurance.

4. Reciprocal agreements. The board may enter into reciprocal agreements with workers' compensation agencies of other states adopting legislation similar to this section to ensure efficient administration of the Act.

See title page for effective date.

CHAPTER 71

H.P. 79 - L.D. 115

An Act to Require Insurance Companies to Provide Loss Information to Insured Groups

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

Sec. 1. 24 MRSA §2307-B is enacted to read:

§2307-B. Loss information

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Insurance policy" means the insurance policy relating to the loss information requested pursuant to this section.

B. "Loss information" means the aggregate claims experience of the group insurance policy or contract. "Loss information" includes the amount of premium received, the amount of claims paid and the loss ratio. "Loss information" does not include any information or data pertaining to the medical diagnosis, treatment or health status that identifies an individual covered under the group contract or policy.

C. "Loss ratio" means the ratio between the amount of premium received and the amount of claims paid by the insurer under the group insurance contract or policy.

2. Disclosure of loss information. Upon written request, every insurer shall provide loss information concerning a group policy or contract to its policyholder at least 60 days prior to renewal of the policy or contract and again 6 months from the date the policy becomes effective.

3. Transmittal of request. If a policyholder requests loss information from an insurance agent or other authorized representative, the representative or agent shall transmit the request for loss information to the insurer within 4 working days.

4. Exception. An insurer is not required to provide the loss information described in this section to a group with fewer than 25 members.

Sec. 2. 24-A MRSA §2803-A is enacted to read:

§2803-A. Loss information

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Insurance policy" means the insurance policy relating to the loss information requested pursuant to this section.

B. "Loss information" means the aggregate claims experience of the group insurance policy or contract. "Loss information" includes the amount of premium received, the amount of claims paid and the loss ratio. "Loss information" does not include any information or data pertaining to the medical diagnosis, treatment or