

# 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 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**

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. 3. 24-A MRSA §4224-A** is enacted to read:

**§4224-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 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.

See title page for effective date.

---



---

**CHAPTER 72**

**H.P. 131 - L.D. 179**

**An Act to Prohibit Visual Sexual Aggression Against a Child and Private Indecency**

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

**Sec. 1. 17-A MRSA §256** is enacted to read:

**§256. Visual sexual aggression against a child**

**1.** A person is guilty of visual sexual aggression against a child if, for the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 14 years of age.

**2.** Visual sexual aggression against a child is a Class D crime.

**Sec. 2. 17-A MRSA §854**, as amended by PL 1989, c. 401, Pt. B, §§6 and 7, is further amended to read:

**§854. Indecent conduct**

**1.** A person is guilty of ~~public indecency~~ **indecent conduct** if:

A. In a public place:

(1) The actor engages in a sexual act, as defined in section 251; or

(2) The actor knowingly exposes the actor's genitals under circumstances ~~which~~ **that**, in fact, are likely to cause affront or alarm; ~~or~~

B. In a private place, the actor exposes the actor's genitals with the intention that the actor be seen from a public place or from another private place; ~~or~~

C. In a private place, the actor exposes the actor's genitals with the intention that the actor be seen by another person in that private place under circumstances that the actor knows are likely to cause affront or alarm.

2. For purposes of this section "public place" includes, but is not limited to, motor vehicles ~~which~~ that are on a public way.

2-A. It is a defense to prosecution under subsection 1, paragraph C, that the other person previously lived or currently is living in the same household as the actor.

3. ~~Public indecency~~ Indecent conduct is a Class E crime.

See title page for effective date.

## CHAPTER 73

H.P. 176 - L.D. 224

### An Act to Clarify the Laws Regarding the Location of Transfer Stations on Islands

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

**Sec. 1. 38 MRSA §1310-N, sub-§2-D, ¶A,** as repealed and replaced by PL 1993, c. 680, Pt. A, §37, is repealed and the following enacted in its place:

A. For a transfer station on an island that is not connected to the mainland by a road, the department shall establish setback distances on a case-specific basis in accordance with this paragraph:

(1) No predetermined minimum setback from a property boundary, residence or public road established in statute or rule applies. A proposed setback from such a location must be reasonable and compatible with the abutting land use. If all abutting landowners give written approval to the location of the handling site, the department shall find that the proposed setback to a property boundary, residence or public road is reasonable and compatible with abutting land use. If all abutting landowners do not give written approval, the department shall make an independent determination of the reasonableness and the compatibility of the setback to a property boundary, residence or public road.

(2) No predetermined minimum setback from an active or closed landfill established

in statute or rule applies. The proposed setback from an active or closed landfill must be reasonable and compatible with the abutting land use. The department shall make an independent determination of the reasonableness and compatibility of the proposed setback to an active or closed landfill.

(3) To the fullest extent possible, the department shall ensure that the handling site of a transfer station on an island is located in a manner that minimizes any adverse impact on the island residents.

**Sec. 2. 38 MRSA §1310-N, sub-§2-D, ¶B,** as repealed and replaced by PL 1993, c. 680, Pt. A, §37, is amended to read:

B. For all other transfer stations, the handling site may not be within 250 feet of any abutting property boundary, unless:

(1) The department finds the use of the abutting property to be a ~~conforming use~~ compatible with the operation of a transfer station on the proposed location. If the department finds an use of the abutting property to be a ~~conforming use~~ compatible, the handling site may be within 250 feet of the boundary but not within 250 feet of any permanent structure on that abutting property; or

(2) The municipality obtains the written permission of all property owners within 250 feet of the proposed handling site.

**Sec. 3. Rules.** By January 1, 1996, the Department of Environmental Protection shall adopt or amend rules as necessary to define a compatible use under section 2 of this Act.

See title page for effective date.

## CHAPTER 74

H.P. 186 - L.D. 245

### An Act to Ensure Children's Protection against Rabies by Requiring Proof of Rabies Vaccination of Pets at Day Care Facilities and Home Babysitting Services

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