

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

Sec. 3. Report. The Bureau of Insurance shall report to the joint standing committee of the Legislature having jurisdiction over insurance matters on or before November 1, 1997 on the effects of the rating provisions of the Maine Revised Statutes, Title 24-A, sections 2736-C and 2808-B. The report must focus on the following issues:

1. The effect of the enactment of community rating statutes on the cost of individual and small group health insurance;
2. The effect of the enactment of community rating statutes on access to health insurance coverage through individual and small group plans; and
3. The guaranteed issuance and renewability of health insurance and their impact with and without community rating of individual and small group health insurance premiums.

See title page for effective date.

CHAPTER 178

S.P. 140 - L.D. 326

An Act to Clarify the Tax Records Laws

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

Sec. 1. 36 MRSA §191, sub-§2, ¶O, as amended by PL 1991, c. 820, §6, is further amended to read:

O. The disclosure to an authorized representative of the Department of Human Services of the most recent address of a delinquent payor of child support when a written request containing the payor's Social Security number is made by the department; ~~and~~

Sec. 2. 36 MRSA §191, sub-§2, ¶P, as enacted by PL 1991, c. 820, §7, is amended to read:

P. The public disclosure by the State Tax Assessor of the name, last known business address and title of the professional license or certificate of any person whose license or certificate of authority to conduct a profession, trade or business in this State has not been renewed, reissued or otherwise extended by order of the assessor pursuant to section 175. This disclosure may be made only after no further administrative or judicial review of the order is available under section 151 or the Maine Administrative Procedure Act; ~~and~~

Sec. 3. 36 MRSA §191, sub-§2, ¶Q is enacted to read:

Q. The listing of special fuel suppliers possessing certificates under section 3204.

See title page for effective date.

CHAPTER 179

S.P. 283 - L.D. 771

An Act to Expand Access to Financing for Health and Social Service Agencies

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

Sec. 1. 22 MRSA §2053, sub-§2-A, as amended by PL 1993, c. 390, §3, is repealed and the following enacted in its place:

2-A. Community health or social service facility. "Community health or social service facility" means a community-based facility that provides medical or medically related diagnostic or therapeutic services, mental health or mental retardation services, substance abuse services or family counseling and domestic abuse intervention services, and is licensed by the State.

Sec. 2. 22 MRSA §2053, sub-§4-D is enacted to read:

4-D. Participating community health or social service facility. "Participating community health or social service facility" means a community health or social service facility that is exempt from taxation under section 501 of the United States Internal Revenue Code and that, pursuant to this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of existing indebtedness as provided in and committed by this chapter.

Sec. 3. 22 MRSA §2053, sub-§6, ¶A, as amended by PL 1993, c. 390, §8, is further amended to read:

A. In the case of a participating health care facility or a participating community health or social service facility, the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, a structure designed for use as a health care facility, community health or social service facility, congregate housing facility, laboratory, laundry, nurses or interns residence or other multi-unit housing facility for staff, employees, patients or

relatives of patients admitted for treatment in the health care facility, community health or social service facility, doctors office building, administration building, research facility, maintenance, storage or utility facility or other structures or facilities related to any of the foregoing or required or useful for the operation of the project, or the refinancing of existing indebtedness in connection with any of the foregoing, including parking and other facilities or structures essential or convenient for the orderly conduct of the health care facility or community health or social service facility. "Project" also includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, rights-of-way, utilities, easements and other interests in land, parking lots, machinery and equipment, and all other appurtenances and facilities either on, above or under the ground that are used or usable in connection with the structures mentioned in this paragraph, and includes landscaping, site preparation, furniture, machinery and equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but does not include such items as food, fuel, supplies or other items that are customarily considered as a current operating charge. In the case of a hospital, as defined in subsection 4, paragraph B, a community health center or a community ~~mental~~ health or social service facility, "project" does not include any facilities, structures or appurtenances, the use of which is not directly related to the provision of patient care by its members; and

Sec. 4. 22 MRSA §2075, sub-§1, ¶B, as enacted by PL 1991, c. 584, §6, is amended to read:

B. As used in this chapter, "required debt service reserve" means, as of any date of computation, the amount or amounts required to be on deposit in the reserve fund as provided by resolution of the authority. For purposes of this chapter, the amount of any letter of credit, insurance contract, surety bond or similar financial undertaking available to be drawn upon and applied to obligations to which money in the reserve fund may be applied is deemed to be and must be counted as money in the Maine Health Facilities' Reserve Fund, capital reserve funds or any other reserve fund as provided by resolution of the authority. The required debt service reserve is, as of any date of computation, an aggregate amount equal to at least the largest amount of money required by the terms of all contracts between the authority and holders of bonds secured by the reserve fund to be raised in the current or any succeeding calendar year for:

- (1) The payment of interest on and maturing principal of that portion of outstanding bonds secured by the reserve fund; and
- (2) Sinking fund payments required by the terms of any such contracts to sinking funds established for the payment or redemption of those bonds.

See title page for effective date.

CHAPTER 180

H.P. 567 - L.D. 768

An Act to Permit the Buyback of Retirement Time

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

Sec. 1. 5 MRSA §17652, sub-§2, ¶A, as amended by PL 1987, c. 739, §§9 and 48, is further amended to read:

~~A.-A.~~ Except as provided in section 17704-A, a person who joins the retirement system under this subsection may not pay contributions or have pick-up contributions made on or receive any service credit for the period during which that person elected not to be a member of the system.

Sec. 2. 5 MRSA §17704, sub-§4, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

4. Applicability. This section does not apply to any member who begins membership after December 31, 1985, and who had, in accordance with section 17652, elected not to become a member when first employed, except as provided in section 17704-A.

Sec. 3. 5 MRSA §17704-A is enacted to read:

§17704-A. Back contributions; elected and appointed officials

Notwithstanding section 17652, subsection 2, paragraph A and section 17704, an elected official or an official appointed for a fixed term who began membership after December 31, 1985 may purchase service credit for the period during which that person elected not to be a member of the retirement system if the following requirements are met.

1. Election. Notice of the member's election to pay back contributions into the Members' Contribution Fund under this section must be received by the retirement system by December 31, 1995.