

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

1. This report must include a good faith effort to provide statistical information on the following subjects:

- A. The number of people who previously practiced athletic training who are no longer able to do so;
- B. The reduction in the number or severity of injuries due to the licensing of athletic trainers; and
- C. The fees charged by athletic trainers before and after the effective date of this Act.

2. The department shall include in the report the following data:

- A. A quantitative survey of school superintendents designed by the department, using as many closed-ended questions as possible on the final questionnaire and doing the necessary background work necessary to make the questionnaire easily answered. At least one followup must be made to nonrespondents;
- B. A report on the written and verbal responses received in connection with the public hearings necessitated by the requirement that athletic trainers be licensed; and
- C. The department shall develop a short quantitative questionnaire suitable to be placed in any newsletter published by the association athletic trainers of any state. The department shall encourage the association to include the questionnaire in its publication together with a brief summary of the new law.

Sec. 3. Working capital advance. The State Controller is authorized to advance to the Department of Professional and Financial Regulation, Division of Licensing and Enforcement, athletic trainers account up to \$7,630 in fiscal year 1995-96 from the General Fund unappropriated surplus for the operating costs of licensing athletic trainers. These funds will be used to provide the working capital advance necessary to cover the operating expenses of licensing athletic trainers until receipt of licensing fees as other special revenue. Funds advanced for this purpose must be returned to the General Fund unappropriated surplus no later than June 30, 1996.

Sec. 4. Allocation. The following funds are allocated from the Other Special Revenue fund to carry out the purposes of this Act.

1995-96 1996-97

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Division of Licensing and Enforcement - Athletic Trainers

All Other	\$7,630	\$5,700
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Allocates funds to establish the licensure of athletic trainers.

See title page for effective date.

CHAPTER 276

H.P. 437 - L.D. 603

An Act to Allow the Sale of Irradiated Food in the State

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

Sec. 1. 22 MRSA §2152, sub-§5-A, as enacted by PL 1987, c. 174, §1, is repealed.

Sec. 2. 22 MRSA §2155, sub-§10, as amended by PL 1989, c. 376, is repealed.

See title page for effective date.

CHAPTER 277

H.P. 1017 - L.D. 1432

An Act to Amend the Laws Regarding Workers' Compensation Pilot Projects

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

Sec. 1. 39-A MRSA §403, sub-§2, ¶¶A, B and D, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

- A. The Superintendent of Insurance shall adopt rules to enable employers and employees to enter into agreements to provide the employees with health care benefits covering workplace injury and illness and nonworkplace injury and illness and other health care benefits, or health care and indemnity benefits covering workplace injury and illness and nonworkplace injury and illness

and other health care and indemnity benefits, in comprehensive pilot projects. The health care and indemnity benefits may be provided by: organizations authorized to do business under Title 24; insurers or health maintenance organizations authorized to do business under Title 24-A; employee benefit plans; and benefit plans of employers who self-insure under this section. The superintendent shall review all pilot project proposals and may approve a proposal only if it confers medical benefits, or medical and indemnity benefits depending on the pilot project proposal, upon injured employees substantially similar to that are equal to or greater than the benefits available under this Title. Indemnity benefits may only be modified in those pilot projects providing medical and disability benefits for all workplace and nonworkplace diseases and injuries. The superintendent shall revoke approval if the pilot project fails to deliver the intended benefits to the injured employees contained in the proposal. A pilot project proposal that provides indemnity benefits deviating in any way from the indemnity benefits provided under this Title must include in its application to the superintendent for approval under this section a methodology for identifying both the costs and benefits of the deviations and a methodology for comparing those costs and benefits to the costs and benefits provided under this Title. The superintendent may not approve a pilot project that does not provide, as determined by the superintendent, an adequate basis for making the foregoing cost-benefit comparison between the pilot project and this Title.

B. Notwithstanding the provisions of section 206, the comprehensive health care benefits pilot project may allow for case management and cost control mechanisms, including the use of preferred provider organizations. The premium for coverage of the employee for benefits available under this Title must be paid entirely by the employer. The premium for other benefits may be paid by the employer, the employee or the employer and employee together. The deductible for the health care of the employee may not exceed a maximum of \$50 per injury or illness and the coinsurance may not exceed \$5 per treatment of the employee by the health care provider.

D. Unless continued or modified by law, this subsection is repealed ~~on October 31, 1996~~ January 1, 2001.

See title page for effective date.

CHAPTER 278

H.P. 605 - L.D. 815

An Act to Limit the Size of Drag Nets Used in South Bay in Eastport

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

Sec. 1. 12 MRSA §6954-B is enacted to read:

§6954-B. Drag limits in South Bay in Eastport

It is unlawful to fish in South Bay in Eastport, including all waters south and east of a line drawn from Gove Point westerly to Youngs Point, with any one combination of drags or drag in excess of 5 feet 6 inches in width by measuring from the extreme outside edge of the mouth of the drag or drags. In addition, any drag used for the taking of scallops is limited to no more than 8 rings deep. The ring size must be the legal size in effect that applies to a holder of a license or federal permit.

See title page for effective date.

CHAPTER 279

H.P. 1062 - L.D. 1497

An Act to Clarify the Operations of the Maine Board of Bar Examiners

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

Sec. 1. 4 MRSA §801-B, as enacted by PL 1977, c. 604, §1, is repealed.

See title page for effective date.

CHAPTER 280

S.P. 250 - L.D. 647

An Act to Amend the Laws Regarding Use and Acquisition of State Property

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

Sec. 1. 5 MRSA §20, sub-§2, as enacted by PL 1985, c. 737, Pt. A, §15, is amended to read:

2. State property. "State property" means personal property, including, but not limited to, furnishings, supplies and equipment ~~which are~~ that is