

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
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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
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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

owned or leased by or in the control of the State or any department or agency of the State or independent state agency. "State property" includes property purchased with funds, such as fees for conferences and seminars conducted by a state agency, received by or on behalf of the State or any department or agency outside of the normal system of accounts and controls.

Sec. 2. 5 MRSA §20-A, as amended by PL 1991, c. 780, Pt. Y, §8, is repealed and the following enacted in its place:

§20-A. Use and acquisition of state property

1. Use of state property. An employee of the State may not take state property off the premises of the State for personal use or for the use of others without prior written approval of the head of the department for which that employee works.

2. Acquisition of state property. Within 3 months of leaving office or employment with the State, an employee of the State, in accordance with rules adopted by the Commissioner of Administrative and Financial Services and this chapter, may purchase at fair market value state property that was assigned to the employee or state property of which the employee was the principal user at the time of that employee's employment. The commissioner, by rule, shall determine state property that may be offered for sale under this chapter. State property may not be offered for sale under this chapter until the commissioner determines that the property is eligible for sale and that no state agency has any need or use for the property. This section may not be interpreted to prohibit an employee of the State or any other person from purchasing state property at fair market value in accordance with this chapter as a gift to an employee of this State upon that employee's retiring or leaving office.

3. Return of state property. If an employee or former employee of the State is in possession of state property in violation of subsection 1, the State may bring an action for injunctive relief seeking the return of the state property. The action may be brought in Superior Court in the county where the alleged violation occurred, Kennebec County or the county where the person against whom the civil complaint is filed resides. If a violation of subsection 1 is established, the court may enjoin the violation and order the return of the state property.

See title page for effective date.

CHAPTER 281

H.P. 686 - L.D. 937

An Act Concerning Technical Changes to the Tax Laws

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, delay in making technical changes to the tax laws would interfere with administration of those laws; and

Whereas, legislative action is immediately necessary in order to ensure continued and efficient administration of the tax laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 36 MRSA §112, sub-§1, as amended by PL 1991, c. 873, §1, is further amended to read:

1. General powers and duties. The State Tax Assessor shall administer and enforce the tax laws enacted under this Title and, ~~pursuant to this~~ under Title 29-A, and may adopt rules and require such information to be reported as necessary. The ~~State Tax Assessor~~ assessor shall provide, at the time of issuance ~~by the assessor~~, to one or more entities that publish a monthly state tax service all rules, bulletins, taxpayer notices or alerts, notices of rulemaking, any other taxpayer information issued by the ~~State Tax Assessor~~ assessor, and all substantive amendments or modifications of the same, for publication by that entity or entities. When a significant change has occurred in Bureau of Taxation policy or practice or in the interpretation by the ~~Bureau of Taxation~~ bureau of any law, rule or instruction bulletin, the ~~State Tax Assessor~~ assessor shall, within 60 days of the change, provide to the same publishing entity or entities written notice, suitable for publication, of the change.

Sec. 2. 36 MRSA §113, as enacted by PL 1989, c. 880, Pt. B, §1, is amended to read:

§113. Audit and collection expenses

Funds derived from contract audit and collection efforts are treated as revenues only to the extent that collections resulting from those efforts exceed the costs associated with the audit and collection efforts.