

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. Certain employers; payment schedule.

Every corporation, person or partnership engaged in a manufacturing, mechanical, mining, quarrying, mercantile, restaurant, hotel, summer camp, beauty parlor, amusement, telegraph or telephone business; in any of the building trades; in logging or lumbering operation; upon public works; or in the construction or repair of roads, bridges, sewers, gas, water or electric light works, pipes or lines; every incorporated express company or water company; and every steam railroad company or corporation shall pay weekly each employee engaged in ~~his or~~ its business the wages earned by the employee to within 8 days of the date of that payment; every county ~~and city~~ shall so pay every employee who is engaged in its business the wages or salary earned by ~~him~~ that employee, unless the employee requests in writing to be paid in a different manner. ~~Every town shall so pay each employee in its business if so required by the employee.~~ Municipalities shall pay their employees at least once every 2 weeks unless the employee agrees to be paid under a less frequent pay schedule. An employee who is absent from ~~his~~ that employee's regular place of employment at a time fixed for payment ~~shall~~ must be paid ~~thereafter~~ on demand.

See title page for effective date.

CHAPTER 341
S.P. 489 - L.D. 1323**An Act to Widen the Maine Turnpike**

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

Sec. 1. 23 MRSA §1965, sub-§1, ¶D, as amended by PL 1993, c. 410, Pt. MM, §4, is further amended to read:

D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near Kittery in York County to a point at or near Augusta in Kennebec County, except that the traveled way may not be widened or expanded beyond 3 lanes for each direction of travel from Exit 1 to, and including, Exit 6A and beyond 2 lanes for each direction of travel elsewhere on the turnpike without the express approval of the Legislature.

~~A~~ Except as provided in section 1965-A, a license, permit, or approval necessary for the widening or expansion of the turnpike may not be issued by any state agency unless that agency makes an affirmative finding that the widening or expansion is consistent with state transporta-

tion policy as well as rules implementing that policy;

Sec. 2. 23 MRSA §1965-A is enacted to read:

§1965-A. Widening of the turnpike between Exit 1 and Exit 6-A

1. Evaluation of reasonable alternatives. No later than December 15, 1996, the authority shall complete an evaluation of the reasonable alternatives specified in this subsection to widening the turnpike to 3 lanes for each direction of travel from Exit 1 to, and including, Exit 6A. To evaluate reasonable alternatives, the authority shall:

A. Convert the turnpike toll collection system to an automated electronic system designed to move traffic more efficiently through toll plazas;

B. Complete an alternative mode feasibility study that examines regional travel patterns and demographics and provides an inventory of existing transportation infrastructure and employer-based commuter programs in the study area;

C. Develop and implement a rideshare program to promote vanpooling and carpooling, including funding and completion of a park and ride facility at Exit 2; and

D. Complete a 2-year study of the effects of congestion pricing on the turnpike and travel needs of the southern part of the State.

In conducting the evaluation required by this subsection, the authority shall provide for public participation consistent with the Sensible Transportation Policy Act and the rules adopted pursuant to that Act.

Completion of the evaluation components specified in paragraphs A to D satisfies the alternative evaluation requirements of the Sensible Transportation Policy Act and of the rules adopted pursuant to that Act.

2. Review of alternatives. Upon completing the evaluation required under subsection 1, the authority shall review the alternatives to determine if the alternatives can meet the identified transportation deficiency or need in a safe manner at a reasonable cost with available technology. If, based on the evaluation, the authority finds that the alternatives do not meet the identified deficiency or need:

A. A final license, permit, or approval necessary for the widening or expansion of the turnpike may be issued by the appropriate state agency; and

B. The alternative evaluation and preference requirements of section 73 and rules adopted pursuant to section 73 are considered satisfied.

Sec. 3. Maine Turnpike Authority to submit report and legislation. On or before January 15, 1996, the Maine Turnpike Authority shall submit a preliminary report on the evaluation of alternatives to widening the Maine Turnpike that is being conducted in accordance with the Maine Revised Statutes, Title 23, section 1965-A to the Joint Standing Committee on Transportation. The preliminary report must include a progress report on each of the evaluation components and preliminary findings. On or before January 15, 1996, the Maine Turnpike Authority may submit legislation to authorize the issuance of revenue bonds to pay the cost or a portion of the cost of widening the turnpike to the Second Regular Session of the 117th Legislature.

See title page for effective date.

CHAPTER 342

H.P. 321 - L.D. 442

An Act to Exclude Short-term Health Insurance Policies in the Continuity Laws

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

Sec. 1. 24 MRSA §2349, sub-§1, as amended by PL 1993, c. 547, §2, is further amended to read:

1. Contracts subject to this section. This section applies to all individual and group contracts issued by nonprofit hospital or medical service organizations, except long-term care policies as defined in Title 24-A, section 5051, and short-term contracts. For purposes of this section, a short-term contract is an individual, nonrenewable contract issued for a term that does not exceed 12 months.

Sec. 2. 24 MRSA §2349, sub-§2, ¶A, as amended by PL 1993, c. 666, Pt. D, §2, is further amended to read:

A. That person was covered under an individual or group contract or policy, except for a short-term contract, issued by any insurer, health maintenance organization, nonprofit hospital or medical service organization, or was covered under an uninsured employee benefit plan that provides payment for health services received by employees and their dependents or a governmental program such as Medicaid, the Maine Health Program, as established in Title 22, section 3189,

the Maine High-Risk Insurance Organization, as established in Title 24-A, section 6052, and the Civilian Health and Medical Program of the Uniformed Services, 10 United States Code, Section 1072, Subsection 4. For purposes of this section, the individual or group contract under which the person is seeking coverage is the "succeeding contract." The group or individual contract or policy or the uninsured employee benefit plan that previously covered the person is the "prior contract or policy"; and

Sec. 3. 24 MRSA §2349, sub-§8 is enacted to read:

8. Short-term insurance. A person eligible for continuity of coverage under subsection 2 may be allowed to purchase coverage under an individual, nonrenewable short-term policy. The issuance of a short-term policy is subject to the following conditions.

A. Upon offering an individual short-term policy for purchase, an insurer or the insurer's agent or broker must provide written disclosure of the terms and benefits of the policy. Specific disclosure that the short-term policy is not subject to any limitation on preexisting condition exclusions or the provisions of guaranteed renewal and continuity of coverage is required.

B. An insurer or the insurer's agent or broker may not issue a short-term policy that replaces a prior short-term policy if the combined term of the new policy and all prior successive policies exceed 12 months. All individuals making an application for coverage under a short-term policy must disclose any prior coverage under a short-term policy and the policy duration.

Sec. 4. 24-A MRSA §2736-C, sub-§3, ¶B, as amended by PL 1993, c. 645, Pt. A, §3, is further amended to read:

B. Renewal must be guaranteed to all individuals except:

- (1) For nonpayment of the required premiums by the policyholder or contract holder;
- (2) For fraud or material misrepresentation by the policyholder or contract holder;
- (3) For fraud or material misrepresentation on the part of the individual or the individual's representative;
- (4) When the carrier ceases providing individual health plans in compliance with subsection 4; or