

# 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**

parameters and risk management protocols are not admissible in evidence in a lawsuit against any physician who is not a participant in the demonstration project or against any physician participating in the project who is defending against a cause of action accruing before January 1, 1992 or after December 31, 1996 1999.

**Sec. 3. 24 MRSA §2978, sub-§1, ¶C**, as amended by PL 1993, c. 189, §1, is further amended to read:

C. A report of each claim made against any physician practicing in a medical specialty area described in section 2972, alleging malpractice as a result of incidents occurring on or after January 1, 1992 and before January 1, 1997 2000, that includes, but is not limited to, the name of the insured, policy number, classification of risk, medical specialty, date of claim and the results of each claim, including defense costs and indemnity payments as a result of settlement or verdict, any awards or amounts paid in excess of policy limits and any finding, if made, of whether the physician's practice was consistent with the parameters and protocols developed and adopted under section 2973. These reports must be provided not less than semiannually according to a schedule established by the Bureau of Insurance; except that reports on open claims must be made not later than June 1, 1997 2000. At the discretion of the Bureau of Insurance, reports must be provided until all claims are closed; and

**Sec. 4. 24 MRSA §2978, sub-§2**, as amended by PL 1993, c. 600, Pt. B, §21, is further amended to read:

**2. Reports by Bureau of Insurance and Board of Licensure in Medicine.** The Bureau of Insurance and the Board of Licensure in Medicine shall report the results of the project to the Governor and to the joint standing committees of the Legislature having jurisdiction over insurance and judiciary matters and to the Office of the Executive Director of the Legislative Council by December 1, 1997. An interim report is due by December 1, 1997. The final report is due by December 1, 2000. The ~~report~~ reports must include the following.

A. The Bureau of Insurance shall report:

- (1) The number of claims brought against physicians in the project alleging malpractice as a result of incidents occurring on or after January 1, 1992;
- (2) The results of any closed claims described in this section, including defense costs and indemnity payments as a result of settlement or verdict;

(3) The status of all open claims described in this section, including defense costs, indemnity payments and any amounts held in reserve in the aggregate by medical specialty area as established under the medical specialty advisory committees' rule-making authority as set forth in section 2972. The bureau may identify data on claims arising from procedures covered by the protocols and those not covered and for claims arising out of services rendered by physicians participating in the project and those not participating. The bureau may comment on the statistical validity and variability of the data except that the superintendent may not report in such a way as to allow the identification of an individual claim reserve; and

(4) The effect of the project on the medical liability claims experience and premiums of those physicians in the project.

B. The Board of Licensure in Medicine shall quantify and report on any identifiable impact of the project on the cost of the practice of defensive medicine.

(1) The Board of Licensure in Medicine shall establish an economic advisory committee to establish the methodology for evaluating the effect of the project on the cost, utilization and the practice of defensive medicine. The economic advisory committee shall report the methodology developed to the Board of Licensure in Medicine by January 1, 1992.

See title page for effective date.

---



---

## CHAPTER 344

H.P. 645 - L.D. 868

### An Act to Amend the Substance Abuse Testing Law

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

**Sec. 1. 26 MRSA §685, sub-§2, ¶C**, as amended by PL 1989, c. 832, §13, is further amended by amending subparagraph (1), divisions (a) and (b):

(a) Except to the extent that costs are covered by a group health insurance plan, the costs of the public or private rehabilitation program ~~shall~~ **must** be equally divided between the employer and employee if the employer has more than 20 full-time employees.

This requirement does not apply to municipalities or other political subdivisions of the State or to any employer when the employee is tested because of the alcohol and controlled substance testing mandated by the federal Omnibus Transportation Employee Testing Act of 1991, Public Law 102-143, Title V. If necessary, the employer shall assist in financing the cost share of the employee through a payroll deduction plan.

(b) Except to the extent that costs are covered by a group health insurance plan, an employer with 20 or fewer full-time employees, a municipality or other political subdivision of the State is not required to pay for any costs of rehabilitation or treatment under any public or private rehabilitation program. An employer is not required to pay for the costs of rehabilitation if the employee was tested because of the alcohol and controlled substance testing mandated by the federal Omnibus Transportation Employee Testing Act of 1991, Public Law 102-143, Title V.

See title page for effective date.

---



---

## CHAPTER 345

### H.P. 890 - L.D. 1243

#### An Act to Reestablish the Great Pond Task Force

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

**Sec. 1. 5 MRSA §3305, sub-§1, ¶H,** as amended by PL 1991, c. 780, Pt. DDD, §21, is further amended to read:

H. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations and shall measure and monitor economic distress and poverty in the State on an ~~on-going~~ ongoing basis. The State Planning Office, in conjunction with the Department of Economic and Community Development, shall study problems peculiar to the industry and economy of this State with a view toward the broader utilization of our natural

resources, which studies ~~shall~~ must be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research. The State Planning Office shall, upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection, including regular analysis of poverty and economic distress. The State Planning Office shall coordinate its activities pursuant to this paragraph with the Bureau of Child and Family Services to meet the annual reporting needs of the bureau; ~~and~~

**Sec. 2. 5 MRSA §3305, sub-§1, ¶K,** as enacted by PL 1989, c. 501, Pt. DD, §12, is further amended to read:

K. Coordinate the development of energy policy, including:

(1) Collecting and analyzing energy data from all available energy sources in the State. The director shall afford confidential treatment to information, documents and data dealing with sales of individual companies that are engaged in the wholesale and retail trade of petroleum products in the State, upon request of the individual companies;

(2) Preparation of an energy resources plan to be submitted to the Governor and the Legislature every 2 years that includes a description of historical energy demand by end-use sector and energy resources used to meet that demand and a forecast of energy demand by end-use sector for the next 5 years, 10 years and 20 years, which shall include an electric and gas forecast;

(3) Encouragement and direction or sponsorship of research, experiments and demonstration projects within the State to develop alternate energy sources, particularly, but not limited to, those sources that rely on renewable natural resources of the State, such as solar energy, water of tides and rivers, forests, winds and other sources ~~which that~~ to date have not been fully explored or utilized; and

(4) Provision of conservation alternatives to proposed new electric power generating plants and assessment of the long-term and short-term energy savings realized by the conservation alternatives; ~~and~~ and