

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

E. Premium or other charge for any guarantee or insurance protecting the creditor against the obligor's default or other credit loss; or

**Sec. B-2. 9-A MRSA §8-105, sub-§1, ¶F** is enacted to read:

F. Borrower-paid mortgage broker fees, including fees paid directly to the broker or to the lender for delivery to the broker, whether the fees are paid in cash or financed.

**Sec. B-3. 9-A MRSA §8-105, sub-§6** is enacted to read:

**6.** In connection with credit transactions not under an open-end credit plan that are secured by real property or a dwelling, the disclosure of the finance charge and other disclosures affected by any finance charge are deemed accurate:

A. For purposes of this Title, if the amount disclosed as the finance charge:

(i) Does not vary from the actual finance charge by more than \$100; or

(ii) Is greater than the amount required to be disclosed under this Title; or

B. For purposes of section 8-204:

(i) If, except as provided in subparagraph (ii), the amount disclosed as the finance charge does not vary from the actual finance charge by more than an amount equal to 1/2 of 1% of the total amount of credit extended; or

(ii) In the case of a transaction, other than a high-rate, high-fee mortgage as defined in section 8-103, subsection 1, paragraph F-1, that:

(a) Is a refinancing of the principal balance then due and any accrued and unpaid finance charges of a residential mortgage transaction, as defined in section 8-103, subsection 1, paragraph H, or is any subsequent refinancing of such a transaction; and

(b) Does not provide any new consolidation or new advance, if the amount disclosed as the finance charge does not vary from the actual finance charge by more than an amount equal to 1% of the total amount of credit extended.

**Sec. B-4. Effective date.** This Part takes effect September 30, 1996.

## PART C

**Sec. C-1. 9-A MRSA §8-208, sub-§8, ¶B,** as amended by PL 1989, c. 472, §3, is further amended to read:

B. In connection with the disclosures of section 8-206, a creditor's only liability determined under subsection 1, ~~paragraphs~~ paragraph B or D; is for failing to comply with the requirements of section 8-204; or section 8-206, subsection 1, ~~paragraph B, C, D, E, F, G or H~~ J.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 615

### S.P. 670 - L.D. 1732

#### An Act to Promote the Health of Newborns and Their Mothers

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

**Whereas,** insurers, nonprofit hospital and medical service organizations and health maintenance organizations across the United States have implemented health care plans generally covering no more than 24 hours of hospital care for mothers and newborns following childbirth; and

**Whereas,** insurers, nonprofit hospital and medical service organizations and health maintenance organizations operating health care plans in Maine could initiate limits on hospital stays at any time; and

**Whereas,** the "Guidelines for Perinatal Care," published by the American Academy of Pediatrics and the American College of Obstetrics and Gynecology, recommend a hospital stay of 48 hours after childbirth; and

**Whereas,** it is the intent of the Legislature to prevent the adverse impact of inappropriate early discharge of maternity patients and newborns; 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. 24 MRSA §2318-A** is enacted to read:

**§2318-A. Maternity and newborn care**

A nonprofit hospital or medical service organization that issues individual and group contracts providing maternity benefits, including benefits for childbirth, must provide coverage for services related to maternity and newborn care, including coverage for hospital stay, in accordance with the attending physician's or attending certified nurse midwife's determination in conjunction with the mother that the mother and newborn meet the criteria outlined in the "Guidelines for Perinatal Care," published by the American Academy of Pediatrics and the American College of Obstetrics and Gynecology. For the purposes of this section, "attending physician" includes the obstetrician, pediatrician or other physician attending the mother and newborn.

**Sec. 2. 24-A MRSA §2743-A** is enacted to read:

**§2743-A. Maternity and newborn care**

An insurer that issues individual contracts providing maternity benefits, including benefits for childbirth, must provide coverage for services related to maternity and newborn care, including coverage for hospital stay, in accordance with the attending physician's or attending certified nurse midwife's determination in conjunction with the mother that the mother and newborn meet the criteria outlined in the "Guidelines for Perinatal Care," published by the American Academy of Pediatrics and the American College of Obstetrics and Gynecology. For the purposes of this section, "attending physician" includes the obstetrician, pediatrician or other physician attending the mother and newborn.

**Sec. 3. 24-A MRSA §2834-A** is enacted to read:

**§2834-A. Maternity and newborn care**

An insurer that issues group contracts providing maternity benefits, including benefits for childbirth, must provide coverage for services related to maternity and newborn care, including coverage for hospital stay, in accordance with the attending physician's or attending certified nurse midwife's determination in conjunction with the mother that the mother and newborn meet the criteria outlined in the "Guidelines for Perinatal Care," published by the American Academy of Pediatrics and the American College of Obstetrics and Gynecology. For the purposes of this section, "attending physician" includes the obstetrician, pediatrician or other physician attending the mother and newborn.

**Sec. 4. 24-A MRSA §4234-B** is enacted to read:

**§4234-B. Maternity and newborn care**

Individual and group contracts issued by a health maintenance organization that provide maternity benefits, including benefits for childbirth, must provide coverage for services related to maternity and newborn care, including coverage for hospital stay, in accordance with the attending physician's or attending certified nurse midwife's determination in conjunction with the mother that the mother and newborn meet the criteria outlined in the "Guidelines for Perinatal Care," published by the American Academy of Pediatrics and the American College of Obstetrics and Gynecology. For the purposes of this section, "attending physician" includes the obstetrician, pediatrician or other physician attending the mother and newborn.

**Sec. 5. Applicability.** This Act applies to all policies and contracts executed, delivered, issued for delivery, continued or renewed on or after the effective date of this Act. All policies and contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 5, 1996.

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**CHAPTER 616**

**H.P. 1288 - L.D. 1768**

**An Act to Standardize the Creation of Water Districts**

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

**Sec. 1. 30-A MRSA §2356, sub-§3**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**3. Trustees' compensation; water districts and sewer districts.** This chapter does not affect the procedures concerning changes in the compensation of trustees of water districts and sewer districts as provided in Title 35-A, section 6303 6410, subsection 4- 7, and Title 38, section 1252, subsection 5.

**Sec. 2. 35-A MRSA §§6301 and 6302**, as enacted by PL 1987, c. 141, Pt. A, §6, are repealed.

**Sec. 3. 35-A MRSA §6303**, as amended by PL 1987, c. 769, Pt. A, §144, is repealed.

**Sec. 4. 35-A MRSA §6304**, as amended by PL 1987, c. 490, Pt. C, §12, is repealed.