

# **MAINE STATE LEGISLATURE**

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**LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION  
September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION  
December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION  
March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 26, 1997**

**FIRST SPECIAL SESSION  
NON-EMERGENCY LAWS IS  
SEPTEMBER 19, 1997**

**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  
1997**

**2. Membership required.** All self-insurers, as defined in under this Title, must be members of the association as a condition of authority to self-insure in this State, except that all public employers that are individual self-insurers, with a state assessed valuation equal to or in excess of \$300,000,000 and have either a net worth equal to or in excess of \$25,000,000 or a bond rating equal to or in excess of the 2nd highest standard as set by a national bond rating organization, are not subject to this subsection. Public employers that are and qualify for the alternative security requirements of section 403, subsection 3, paragraph D and group self-insurers with whose membership consists exclusively of public employers and whose members have in the aggregate a state-assessed valuation equal to or in excess of \$5,000,000,000 are not subject to this subsection. However, if a self-insurer relying on a bond rating is a county, city or town, it shall value or cause to be valued its unpaid workers' compensation claims pursuant to sound accepted actuarial principles. This value must be incorporated in the annual audit of the county, city or town together with disclosure of funds appropriated to discharge incurred claims expenses. The association shall perform its functions under a plan of operation established or amended, or both, and approved by the superintendent and shall exercise its powers through the board of directors established in this section.

**Sec. 11. 39-A MRSA §404, sub-§4, ¶A,** as amended by PL 1995, c. 594, §8, is further amended by repealing subparagraph (1).

**Sec. 12. 39-A MRSA §404, sub-§7, ¶D** is enacted to read:

D. On or before May 15th of each year, the Bureau of Insurance shall provide to the Maine Self-Insurance Guarantee Association the annual standard workers' compensation premium for each individual and group workers' compensation self-insurer and each individual and group workers' compensation self-insurer's payroll by class and experience modification factor for the previous calendar year. For the purposes of this paragraph, the definitions of annual standard premium in subsection 4 apply. The Maine Self-Insurance Guarantee Association may request additional information from workers' compensation self-insurers to verify the accuracy of the amounts reported.

**Sec. 13. 39-A MRSA §409, first ¶,** as amended by PL 1993, c. 313, §40, is further amended to read:

The Superintendent of Insurance shall annually assess make an assessment on self-insuring employers approved pursuant to section 403, respecting the operations of each self-insurer conducted in the State

to defray the cost of administration of the Bureau of Insurance. On or before March 1st of each year, every individual workers' compensation self-insurer and group workers' compensation self-insurer shall report to the superintendent the self-insurer's experience modification factor for the previous calendar year. The superintendent shall calculate the amount of annual standard premium that would have been paid during the previous calendar year for every individual workers' compensation self-insurer and group workers' compensation self-insurer. The annual assessment upon approved self-insuring employers must be calculated using the imputed annual standard premium relating to business operations in the State that each self-insurer would have paid during the previous calendar year pursuant to manual rates established by the principal rating organization in the State and using the experience rating procedure approved by the Superintendent of Insurance for that self-insurer. For the purposes of this section, the definitions of annual standard premium in section 404, subsection 4 apply. The assessment must be applied to the budget of the bureau for the fiscal year commencing July 1st. The assessment must be in an amount not exceeding 11/100 of 1% of the imputed annual standard premium. When the superintendent calculates the amount of the annual assessment, the superintendent may consider, among other things, the staffing level required to administer workers' compensation self-insurance oversight responsibilities of the bureau. All information filed by self-insurers in compliance with this section is confidential in accordance with section 403, subsection 15.

**Sec. 14. 39-A MRSA §409, sub-§1,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**1. Annual standard premium.** The superintendent shall utilize the annual standard premium for each approved self-insurer as reported to calculated by the Bureau of Insurance by the Maine Self Insurance Guarantee Association pursuant to this section 404, subsection 4 in determining the amount of the assessment.

See title page for effective date.

## CHAPTER 127

### H.P. 718 - L.D. 982

#### An Act to Conform the Maine Tax Laws for 1996 with the United States Internal Revenue Code

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

**Whereas**, the 90-day period would delay the processing of the 1996 income tax returns; and

**Whereas**, legislative action is immediately necessary to ensure continued and efficient administration of the Maine income tax law and certain other state taxes; 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 §111, sub-§1-A,** as amended by PL 1995, c. 538, §1 and affected by §2, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 1995 1996.

**Sec. 2. 36 MRSA §5122, sub-§2, ¶B,** as repealed and replaced by PL 1985, c. 506, Pt. A, §78, is further amended to read:

B. An amount equal to the taxpayer's federal new jobs credit or work opportunity credit as determined under the laws of the United States;

**Sec. 3. Application.** This Act applies to tax years beginning on or after January 1, 1996.

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

Effective April 25, 1997.

## CHAPTER 128

H.P. 748 - L.D. 1025

### An Act Concerning Licensing and Recertification of Licensed Counseling Professionals

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

**Sec. 1. 32 MRSA §13860, sub-§2,** as amended by PL 1989, c. 895, §16, is further amended to read:

**2. Continuing education and supervision.** The board, by rule, may establish continuing education and supervision requirements. Applicants for renewal of

license must show proof of satisfying the continuing education requirements set forth by the board. If a license lapses due to failure of the licensee to meet continuing education requirements, the licensee may renew the license upon completion of the required continuing education.

**Sec. 2. 32 MRSA §13864** is enacted to read:

### §13864. Inactive licenses

Any licensee, who does not perform any of the activities described in section 13851, subsection 8 and who wants to preserve the license while not engaged in any counseling activity, may surrender that license to the board for placement on inactive status. The board may place the license on inactive status only upon proper application by the licensee. During inactive status, the licensee must renew the license biennially, but is not required to meet the continuing education requirements under section 13860, subsection 2. The board shall adopt rules by which a license in an inactive status may be reactivated. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

See title page for effective date.

## CHAPTER 129

H.P. 796 - L.D. 1084

### An Act to Allow After-market Window Tinting of Multi-purpose Vehicles

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

**Sec. 1. 29-A MRSA §1916, sub-§2, ¶B,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. The provisions of subsection 1, paragraphs C and D do not apply to side windows behind the operator's seat or the rear window of the following motor vehicles, provided that the vehicle is equipped with 2 outside rear view mirrors, one on each side, adjusted so that the operator has a clear view of the highway behind the vehicle:

- (1) A bus that transports passengers for hire;
- (2) A motor vehicle used to transport human remains by a funeral establishment, as described in Title 32, section 1501, or by a medical examiner, appointed pursuant to Title 22, section 3022 or 3023; or