

# 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**

**CHAPTER 197**

**H.P. 794 - L.D. 1082**

**An Act to Ensure Fair Pricing for Consumers of Health Care Services under Managed Care Plans**

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

**Sec. 1. 24-A MRSA §2185** is enacted to read:

**§2185. Calculation of health benefits based on actual cost**

All health insurance policies, health maintenance organization plans and subscriber contracts or certificates of nonprofit hospital or medical service organizations with respect to which the insurer or organization has negotiated discounts with providers must provide for the calculation of all covered health benefits, including without limitation all coinsurance, deductibles and lifetime maximum benefits, on the basis of the net negotiated cost and must fully reflect any discounts or differentials from charges otherwise applicable to the services provided. With respect to policies or plans involving risk-sharing compensation arrangements, net negotiated costs may be calculated at the time services are rendered on the basis of reasonably anticipated compensation levels and are not subject to retrospective adjustment at the time a cost settlement between a provider and the insurer or organization is finalized.

See title page for effective date.

**CHAPTER 198**

**H.P. 511 - L.D. 702**

**An Act to Amend the Penobscot County Budget Committee Process**

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

**Sec. 1. 30-A MRSA §900-F, sub-§2**, as enacted by PL 1995, c. 682, §1, is amended to read:

**2. Municipal official.** "Municipal ~~officials~~ official" means any elected ~~member~~ councilor or selectman of a municipal government in Penobscot County.

**Sec. 2. 30-A MRSA §900-I, sub-§1**, as enacted by PL 1995, c. 682, §1, is amended to read:

**1. Public hearing.** The Penobscot County commissioners shall hold one or more public hearings on the budget at times convenient for the residents of

the county and before ~~November~~ December 1st of each year.

See title page for effective date.

**CHAPTER 199**

**S.P. 183 - L.D. 601**

**An Act to Provide Municipal Notification of Utility Services**

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

**Sec. 1. 30-A MRSA §4406, sub-§3**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

**3. Utility installation.** ~~No~~ A public utility, water district, sanitary district or any utility company of any kind may not install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials. ~~Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed or other written arrangements have been made between the municipal officers and the utility.~~

**Sec. 2. 38 MRSA §444, 3rd ¶**, as amended by PL 1985, c. 737, Pt. A, §112, is further amended to read:

~~No~~ A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in a shoreland area, as defined by section 435, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials. ~~Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed or other written arrangements have been made between the municipal officers and the utility.~~

See title page for effective date.

**CHAPTER 200**

**S.P. 303 - L.D. 1011**

**An Act to Ensure the Accurate Collection of Excise Tax on New Motor Vehicles**

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

**Sec. 1. 36 MRSA §1482, sub-§4, ¶A** is enacted to read:

A. At the time of payment of the excise tax prior to a new registration for a new passenger vehicle purchased from a motor vehicle dealer licensed in any state for the sale of new passenger vehicles, the owner shall submit the manufacturer's suggested retail price sticker, or a copy of the sticker, to the excise tax collector. In the case of rental and fleet vehicles, other documentation may be provided at the discretion of the municipal excise tax collector.

This paragraph applies only to those vehicles for which a manufacturer's suggested retail price sticker is required by the Federal Government.

See title page for effective date.

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**CHAPTER 201**

**S.P. 295 - L.D. 946**

**An Act to Protect the Confidentiality of Financial Records**

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

**Sec. 1. 30-A MRSA §5205, sub-§1**, as enacted by PL 1991, c. 322, is amended to read:

**1. Confidential information.** Records containing the following information are deemed confidential for the purposes of Title 1, section 402, subsection 3, paragraph A:

A. Any information acquired by a municipality or a member, officer, employee or agent of a municipality from an ~~individual~~ applicant for assistance provided by this chapter or from any 3rd person pertaining to an ~~individual~~ applicant for assistance provided pursuant to this chapter; and

B. Any written or recorded financial statement of an ~~individual~~ applicant submitted to a municipality or a member, officer, employee or agent of a municipality in connection with an application for assistance pursuant to this chapter.

The term "applicant" includes individuals, partnerships, limited partnerships, limited liability companies and corporations, but does not include partnerships, limited liability companies and corporations whose shares, interests or other evidence of proportional

ownership are publicly traded upon a recognized exchange.

**Sec. 2. 30-A MRSA §5205, sub-§5** is enacted to read:

**5. Application.** Notwithstanding this section, the confidentiality of information provided to a municipality during the course of the application process with the Department of Economic and Community Development is governed by Title 5, sections 13119 to 13119-C.

See title page for effective date.

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**CHAPTER 202**

**S.P. 401 - L.D. 1296**

**An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates**

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

**Sec. 1. 18-A MRSA §3-806, sub-§(d)**, as enacted by PL 1979, c. 540, §1, is amended to read:

(d) Unless otherwise provided in any judgment in another court entered against the personal representative, allowed claims bear prejudgment interest at the ~~legal~~ rate specified in Title 14, section 1602, subsection 1, paragraph A for the period commencing 60 days after the time for original presentation of the claim has expired unless based on a contract making a provision for interest, in which case they bear interest in accordance with that provision.

(1) Interest may not accrue on any allowed claims, however allowed, against an insolvent estate, except to the extent that insurance coverage or other nonprobate assets are available to pay the claim in full. This paragraph is effective for estates of decedents who die on or after October 1, 1997.

(2) To the extent that an allowed claim against an insolvent estate is secured by property, the value of which, as determined under section 3-809, is greater than the amount of the claim, the holder of the claim may receive interest on the principal amount of the claim and any reasonable fees, costs or charges provided for under an agreement under which the claim arose. This paragraph is effective for estates of decedents who die on or after October 1, 1997.

See title page for effective date.