

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

**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**

suggesting how the proposed law may be modified to conform with the requirements of this section within 10 business days. Before the ballot question is drafted by the Secretary of State, written consent to the final language of the proposed law must be given by the applicant.

**Sec. 4. 21-A MRSA §901, sub-§4**, as amended by PL 1993, c. 352, §1, is further amended to read:

**4. Ballot question.** The ballot question for an initiative or a people's veto referendum must be drafted by the Secretary of State in accordance with section 906 and rules adopted in accordance with the Maine Administrative Procedure Act. The Secretary of State shall provide the ballot question to the applicant for a people's veto referendum within 10 business days after receipt of a properly completed application. The Secretary of State shall provide the ballot question to the applicant for an initiative within 10 business days after the applicant has submitted to the Secretary of State written consent to the final language of the proposed law. The question must be conspicuously displayed on the face of the petition.

**Sec. 5. 21-A MRSA §902**, as enacted by PL 1985, c. 161, §6, is amended by adding at the end a new paragraph to read:

The petitions must be signed, verified and certified in the same manner as are nonparty nomination petitions under section 354, subsections 3 and 4 and subsection 7, paragraphs A and C.

**Sec. 6. 21-A MRSA §906, sub-§1**, as amended by PL 1995, c. 459, §114, is repealed.

**Sec. 7. 21-A MRSA §906, sub-§1-A** is enacted to read:

**1-A. Referendum questions on same ballot.** Referendum questions may be printed on the same ballot or ballot card used for the election of state candidates or municipal elections, as determined by the Secretary of State in accordance with section 604-A. There must be a place on the ballot for the voter to designate the voter's choice.

**Sec. 8. 21-A MRSA §906, sub-§3**, as enacted by PL 1985, c. 161, §6, is amended to read:

**3. Distinctively colored.** Referendum ballots must be printed on paper of a distinctive color selected by the Secretary of State, unless the referendum ballot is combined with the same ballot used for the election of state candidates or municipal elections under subsection 1-A.

**Sec. 9. 21-A MRSA §906, sub-§5**, as enacted by PL 1985, c. 161, §6, is repealed.

**Sec. 10. 21-A MRSA §906, sub-§7**, as enacted by PL 1985, c. 161, §6, is amended to read:

**7. Order of questions on the ballot.** The Secretary of State shall arrange questions on the ballot in the following order: People's carry-over measures from a previous election; people's veto questions; initiated measures; bond issues; constitutional amendments; and other legislatively proposed referenda. Within each group, questions must be arranged in a random order determined by a selection process conducted in public. All ballot questions must be numbered sequentially.

See title page for effective date.

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## CHAPTER 582

H.P. 1552 - L.D. 2181

### An Act Concerning Reporting Deadlines of Studies Authorized by Law

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

**Whereas**, the Task Force to Study Economic Opportunity for All Regions of the State, the Commission to Study the Unemployment Compensation System and the Maine Commission on Children's Health Care require additional time in order to complete in a comprehensive and meaningful manner the tasks assigned by law; 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. PL 1997, c. 534, §20, sub-§5** is amended to read:

**5. Report.** The task force shall submit its report with any accompanying legislation to the Second Regular Session of the 118th Legislature by January 4<sup>23</sup>, 1998.

**Sec. 2. PL 1997, c. 560, Pt. B, §7** is amended to read:

**Sec. B-7. Report.** The commission shall submit its recommendations, with any necessary implementing legislation, to the Governor and the

Legislature by ~~December 15, 1997~~ January 23, 1998. The Joint Standing Committee on Health and Human Services may report out legislation based on the report of the commission.

**Sec. 3. PL 1997, c. 560, Pt. E, §7** is amended to read:

**Sec. E-7. Report.** The task force shall submit its recommendations with any necessary implementing legislation, to the Governor and the Legislature by ~~January 15~~ February 13, 1998. The Joint Standing Committee on Health and Human Services may report out legislation based on the report of the task force.

**Sec. 4. P&SL 1997, c. 51, §1, sub-§7** is amended to read:

**7. Report.** The task force shall submit a report with any accompanying legislation to the Governor, the Legislative Council and The Joint Standing Committee on Business and Economic Development to the Second Regular Session of the 118th Legislature by January ~~23~~, 1998.

**Sec. 5. Resolve 1997, c. 65, §8** is amended to read:

**Sec. 8. Report. Resolved:** That the commission shall submit a report to the Joint Standing Committee on Labor by January ~~15~~, 1998 with specific recommendations including legislation if necessary; and be it further

**Sec. 6. Resolve 1997, c. 82, §7** is amended to read:

**Sec. 7. Report. Resolved:** That the commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Health and Human Services and to the Second Regular Session of the 118th Legislature by ~~December 1, 1997~~ January 23, 1998; and be it further

**Sec. 7. Retroactivity.** This Act applies retroactively to December 1, 1997.

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

Effective March 4, 1998.

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## CHAPTER 583

S.P. 693 - L.D. 1928

### An Act Relating to Captive Insurance Companies

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

**Sec. 1. 24-A MRSA §6702, sub-§1, ¶B**, as enacted by PL 1997, c. 435, §1, is amended to read:

B. Holds at least one meeting of its board of directors, or other governing body, each year in this State. For pure captive insurance companies and pure nonprofit captive insurance companies, the annual in-state meeting requirement may be satisfied by a teleconferenced or videoconferenced meeting if at least one Maine resident member of the board of directors, or other governing body, participates in the meeting from this State;

**Sec. 2. 24-A MRSA §6702, sub-§6, ¶¶G and H**, as enacted by PL 1997, c. 435, §1, are amended to read:

G. Title insurance as defined by section 709; ~~and~~

H. Credit Reinsurance of credit life insurance and credit health insurance, as defined by section 2853, relating to specific loans or other credit transactions between its parent or affiliated companies and any of their directors, officers and employees, to the extent provided in section 6711;

**Sec. 3. 24-A MRSA §6702, sub-§6, ¶¶I and J** are enacted to read:

I. Reinsurance of life insurance as defined by section 702, annuities as defined by section 703 and health insurance as defined by section 704 written in connection with the employee benefit plan or plans of the single or association parent of a captive insurer to the extent provided in section 6711; and

J. Financial guaranty insurance as defined in section 709-A.

**Sec. 4. 24-A MRSA §6707, sub-§2**, as enacted by PL 1997, c. 435, §1, is amended to read:

**2. Annual report.** An association captive insurance company or ~~risk retention~~ industrial insured captive insurance company shall file an annual statement in accordance with statutory accounting practices, which must be a true statement of its financial condition, transactions and affairs as of the immediately preceding December 31st, in general form and context as approved by the National Association of Insurance Commissioners, or other format prescribed by the superintendent, verified by oaths of at least 2 of the insurer's principal officers.