

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.

J.S. McCarthy Company
Augusta, Maine
1997

Sec. 5. 24-A MRSA §6715, as enacted by PL 1997, c. 435, §1, is amended to read:

§6715. Confidential information

All information submitted to the superintendent pursuant to section 6702, subsection ~~4~~ 3 is confidential and is not a public record within the meaning of Title 1, chapter 13, subchapter I. Each report or statement filed with the superintendent pursuant to section 6707, except those filed by or with respect to industrial insured groups as defined in section 6701, subsection 8, is confidential and is not a public record within the meaning of Title 1, chapter 13, subchapter I. The confidential nature of this information does not limit the ability of the superintendent, in the superintendent's discretion, to disclose such information to a public official in another state, as long as the public official agrees in writing to maintain the confidentiality of such information and the laws of the state in which the public official serves designate such information as confidential.

Sec. 6. 36 MRSA §2513-B, sub-§2, as enacted by PL 1997, c. 435, §2, is amended to read:

2. Reinsurance. A captive insurance company shall pay to the State Tax Assessor a tax at the rate of .225 of 1% on the first \$20,000,000 of assumed reinsurance premium, .150 of 1% on the next \$20,000,000, ~~.50~~ .050 of 1% on the next \$20,000,000 and ~~.25~~ .025 of 1% of each \$1 thereafter. However, no reinsurance tax applies to premiums for risks or portions of risks that are subject to taxation on a direct basis pursuant to subsection 1. No reinsurance premium tax is payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control if that transaction is part of a plan to discontinue the operations of another insurer and if part of the intent of the parties to that transaction is to renew or maintain that business with the captive insurance company.

See title page for effective date.

CHAPTER 584

H.P. 1388 - L.D. 1941

An Act to Amend the Membership Requirement for the Cumberland County Budget Advisory Committee

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

Sec. 1. 30-A MRSA §741-A, sub-§1, ¶A, as enacted by PL 1995, c. 380, §4 and affected by §10, is amended to read:

A. There must be 3 members from each commissioner's district. No more than 2 members may reside in the same municipality.

See title page for effective date.

CHAPTER 585

S.P. 744 - L.D. 2022

An Act to Make Corrections to the Laws Governing the Maine Bail Code

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

Whereas, it is imperative that the changes made to the Maine Bail Code by this Act take effect immediately; 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. 15 MRSA §1002, last 2 ¶¶, as enacted by PL 1997, c. 543, §2, are repealed.

Sec. 2. 15 MRSA §1003, sub-§5, as repealed and replaced by PL 1997, c. 543, §5, is repealed and the following enacted in its place:

5. Ensure the integrity of the judicial process. To "ensure the integrity of the judicial process," when used in the context of the granting or denial of bail, means safeguarding the role of the courts in adjudicating the guilt or innocence of defendants by ensuring the presence of the defendant in court and otherwise preventing the defendant from obstructing or attempting to obstruct justice by threatening, injuring or intimidating a victim, prospective witness, juror, attorney for the State, judge, justice or other officer of the court.

Sec. 3. 15 MRSA §1026, sub-§2, as amended by PL 1997, c. 543, §7, is further amended to read:

2. Release on personal recognizance or unsecured appearance bond. The judicial officer ~~may~~ shall order the pretrial release of the defendant on personal recognizance or upon execution of an unsecured appearance bond in an amount specified by