

# 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**

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

Effective March 12, 1998.

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## CHAPTER 591

S.P. 752 - L.D. 2030

### An Act to Promote the Receipt of Federal Funds and to Clarify the Maine Juvenile Code

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

**Sec. 1. 15 MRSA §3314, sub-§1, ¶H,** as amended by PL 1993, c. 354, §8, is further amended to read:

H. The court may commit the juvenile to the Maine Youth Center and order that the disposition be suspended or may commit the juvenile for a period of detention that may not exceed 30 days, with or without an underlying suspended disposition to the Maine Youth Center, which detention may be served intermittently as the court may order and must be ordered served in a detention facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of and with a period of probation, which is subject to such provisions of Title 17-A, section 1204 as the court may order and which must be administered pursuant to Title 34-A, chapter 5, subchapter IV. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition under this paragraph is subject to Title 17-A, section 1253, subsection 2, but not to Title 17-A, section 1253, subsection 3-B, 4 ~~or~~ 5 or 8. Any disposition under this paragraph ordering a period of detention to be served in a county-operated detention facility by a juvenile from another county is governed by section 1705.

**Sec. 2. 15 MRSA §3316,** as amended by PL 1995, c. 502, Pt. F, §9, is further amended to read:

#### §3316. Commitment to the Maine Youth Center or the Department of Human Services

**1. Sharing of information about a committed juvenile.** Information regarding a committed juvenile must be shared as follows.

A. When a juvenile is committed to the ~~Department of Corrections~~ Maine Youth Center or the Department of Human Services, the court shall

transmit, with the commitment order, a copy of the petition, the order of adjudication, copies of the social study, any clinical or educational reports and other information pertinent to the care and treatment of the juvenile;

B. ~~The Department of Corrections~~ Maine Youth Center or the Department of Human Services shall provide the court with any information concerning a juvenile committed to its care ~~which~~ that the court at any time may require.

**2. Indeterminate disposition.** The following provisions apply to indeterminate dispositions.

A. A commitment of a juvenile to the Maine Youth Center pursuant to section 3314 must be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits or extends the indeterminate commitment, as long as the court does not limit the commitment to less than one year nor extend the commitment beyond a juvenile's 21st birthday and as long as an order does not result in a commitment of less than one year, unless the commitment is for an indeterminate period not to extend beyond the juvenile's 21st birthday. Nothing in this Part may be construed to prohibit the provision to a juvenile following the expiration of the juvenile's term of commitment of services voluntarily accepted by the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated; except that these services may not be extended beyond the juvenile's 21st birthday.

B. A commitment of a juvenile to the Department of Human Services pursuant to section 3314 ~~shall~~ must be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits the commitment.

**3. Provision of services.** Nothing in this chapter may prevent juveniles in the custody of the Department of Corrections from receiving services from the Department of Human Services.

**4. Voluntary services.** The following applies to voluntary services agreement provisions.

A. This chapter does not prevent a juvenile from receiving services from the Department of Corrections pursuant to a voluntary agreement with the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated.

B. If a juvenile is placed in a residence outside the juvenile's home pursuant to a voluntary services agreement, the Commissioner of Cor-

rections or the commissioner's designee may request the court to make a determination whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. If requested, the court shall make that determination prior to the expiration of 180 days from the start of the placement and shall review that determination not less than once every 12 months until the juvenile is no longer residing outside the juvenile's home.

See title page for effective date.

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**CHAPTER 592**

**S.P. 756 - L.D. 2034**

**An Act to Correct Errors and Inconsistencies in Licensing Requirements for Licensed Insurance Professionals and Insurers**

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

**Sec. 1. 24 MRSA §2305, first ¶**, as amended by PL 1973, c. 585, §12, is further amended to read:

The superintendent shall issue a certificate of authority ~~on~~, which is continuous unless revoked or suspended by the superintendent, and collect payment of a fee, which ~~shall be~~ is the same as for an insurer as provided in Title 24-A, section 601, if the applicant meets the following requirements:

**Sec. 2. 24 MRSA §2305-A** is enacted to read:

**§2305-A. Conditions of certificate of authority**

**1. Duration.** A certificate of authority continues in force as long as the nonprofit hospital or medical service organization is entitled under this Title and until suspended or revoked by the superintendent or terminated at the organization's request.

**2. Annual fee.** The nonprofit hospital or medical service organization shall pay an annual fee, which is the same as for an insurer, as provided in Title 24-A, section 601.

**3. Reinstatement.** Upon payment by the nonprofit hospital or medical service organization of the fee for reinstatement specified in Title 24-A, section 601, the superintendent may, upon the organization's request made within 3 months after suspension, reinstate a certificate of authority that the superintendent suspended due to the organization's failure to pay

the annual fee. Otherwise the organization may be granted another certificate of authority only after filing an application and meeting all other requirements as for an original certificate of authority in this State.

**Sec. 3. 24 MRSA §2306, first ¶**, as amended by PL 1993, c. 702, Pt. A, §3, is further amended to read:

Annually, on or before ~~April~~ March 1st, every corporation organized under this chapter shall file in the office of the superintendent a statement verified by at least 2 of the principal officers of that corporation showing its condition on the previous December 31st. The statement must be on an annual statement blank of the National Association of Insurance Commissioners for use by nonprofit hospital or medical service corporations, be prepared in accordance with the association's annual statement instructions, follow practices and procedures prescribed by the association's accounting practices and procedures manual and be accompanied by any useful or necessary modification or adaptation and any additional information required by the superintendent.

**Sec. 4. 24 MRSA §2314**, as repealed and replaced by PL 1977, c. 694, §382, is amended to read:

**§2314. Suspension or revocation of certificate of authority**

~~The Notwithstanding Title 4, section 1151 and Title 5, section 10051, the superintendent may file a petition with the Administrative Court seeking the revocation of suspend or revoke a certificate of authority or license granted under this chapter for cause at any time pursuant to a hearing held in accordance with Title 5, chapter 375, subchapter IV.~~

**Sec. 5. 24 MRSA §2317-A**, as enacted by PL 1989, c. 556, Pt. D, §1, is amended to read:

**§2317-A. Explanation and notice to parent of minor**

Title 24-A, sections ~~421~~, 2713-A and 2823-A ~~shall~~ and chapter 16 apply to nonprofit hospital corporations, nonprofit medical service corporations and nonprofit health care plans to the extent not inconsistent with this chapter and the reasonable implications of this chapter.

**Sec. 6. 24 MRSA §2332, sub-§§4 and 5**, as amended by PL 1991, c. 334, §2, are further amended to read:

**4. Notification of assessment.** On or before July 1st of each year, the superintendent shall ~~notify~~ forward to each nonprofit hospital or medical service organization and health care plan ~~of~~ an itemized bill of