

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
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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

CHAPTER 614

H.P. 1447 - L.D. 2038

**An Act to Enhance the Safety of
Snowmobile Rental Operations**

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

Sec. 1. 12 MRSA §7825-B is enacted to read:

§7825-B. Snowmobile rental agent certificate

1. Registration and issuance. Except as provided in this section, a person or business may not rent or lease a snowmobile unless that person or business:

A. Registers with the department as a snowmobile rental agent and is issued a snowmobile rental agent certificate from the commissioner;

B. Registers each snowmobile being offered for rent or lease in the name of the person or business holding that certificate; and

C. Instructs each person who rents or leases a snowmobile how to operate the snowmobile, including how to use the brake, throttle and kill switch, and provides to that person a pamphlet describing proper hand signals.

2. Fee. The fee for a snowmobile rental agent certificate is \$25. The certificate is valid from July 1st to June 30th.

3. Exception. This section does not apply to a person lawfully engaged in guiding activities under section 7311 who accompanies others on guided trips that include the use of snowmobiles, except that those persons must provide those operators of snowmobiles with instructions equivalent to those described in subsection 1, paragraph C.

Sec. 2. 12 MRSA §7827, sub-§26 is enacted to read:

26. Unlawfully renting or leasing a snowmobile. A person is guilty of unlawfully renting or leasing a snowmobile if that person rents or leases a snowmobile in violation of section 7825-B.

Sec. 3. 12 MRSA §7901, sub-§17 is enacted to read:

17. Unlawfully renting or leasing a snowmobile. A violation of section 7827, subsection 26 is a civil violation for which a forfeiture of not less than

\$200 must be adjudged. The \$200 minimum fine may not be waived by the court.

See title page for effective date.

CHAPTER 615

H.P. 1369 - L.D. 1919

**An Act to Inform Crime Victims
about the Disposition of Charges**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 17-A MRSA §1172, sub-§1, ¶B-1 is enacted to read:

B-1. The proposed dismissal or filing of an indictment, information or complaint pursuant to the Maine Rules of Criminal Procedure, Rule 48, before that action is taken;

See title page for effective date.

CHAPTER 616

S.P. 811 - L.D. 2190

**An Act to Implement the
Recommendations of the Blue
Ribbon Commission to Study the
Effects of Government Regulation
and Health Insurance Costs on Small
Businesses in Maine**

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

Sec. 1. 24-A MRSA §1951, sub-§2, as enacted by PL 1995, c. 673, Pt. A, §3, is amended to read:

2. Private purchasing alliance. "Private purchasing alliance" or "alliance" means a nonprofit corporation licensed pursuant to this section established under ~~Title 13-A~~ or Title 13-B to provide health insurance to its members through multiple unaffiliated participating carriers.

Sec. 2. 24-A MRSA §1953, first ¶, as enacted by PL 1995, c. 673, Pt. A, §3, is amended to read:

In addition to the powers granted in Title 13-A or Title 13-B, an alliance may do any of the following:

Sec. 3. 24-A MRSA §1955, sub-§§1 and 3, as enacted by PL 1995, c. 673, Pt. A, §3, are amended to read:

1. Restricted activities. An alliance may not purchase health care services, assume risk for the cost or provision of health care services or otherwise contract with health care providers for the provision of health care services to enrollees without the prior approval of the superintendent.

3. Conflict of interest. A person may not be a board member, officer or employee of an alliance if that person is employed as or by, is a member of the board of directors of, is an officer of, or has a material direct or indirect ownership interest in a carrier, or health care provider or insurance agency or brokerage. A person may not be a board member or officer of an alliance if a member of that person's household is a member of the board of directors of, is an officer of or has a material direct or indirect ownership interest in a carrier, or health care provider or insurance agency or brokerage. ~~A board member, officer or~~ An employee of an alliance who is licensed as an agent, broker or consultant may act under that license only on behalf of the alliance and only within the scope of that person's duties as ~~a board member, officer or~~ an employee.

Sec. 4. 24-A MRSA §2752, sub-§2, as enacted by PL 1991, c. 701, §8, is amended to read:

2. Procedures before legislative committees. Whenever a legislative measure containing a mandated health benefit is proposed, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among the members of the committee. If there is substantial support for the proposed mandate among a majority of the members of the committee, the committee may refer the proposal to the Bureau of Insurance for review and evaluation pursuant to subsection 3. Once a review and evaluation has been completed, the committee shall review the findings of the bureau. A proposed mandate may not be enacted into law unless review and evaluation pursuant to subsection 3 has been completed.

Sec. 5. 24-A MRSA §2752, sub-§3, ¶¶A and D, as enacted by PL 1991, c. 701, §8, are amended to read:

A. The social impact of mandating the benefit, including:

(1) The extent to which the treatment or service is utilized by a significant portion of the population;

(2) The extent to which the treatment or service is available to the population;

(3) The extent to which insurance coverage for this treatment or service is already available;

(4) If coverage is not generally available, the extent to which the lack of coverage results in persons being unable to obtain necessary health care treatment;

(5) If the coverage is not generally available, the extent to which the lack of coverage results in unreasonable financial hardship on those persons needing treatment;

(6) The level of public demand and the level of demand from providers for the treatment or service;

(7) The level of public demand and the level of demand from the providers for individual or group insurance coverage of the treatment or service;

(8) The level of interest ~~of~~ in and the extent to which collective bargaining organizations ~~is~~ are negotiating privately for inclusion of this coverage in group contracts;

(9) The likelihood of achieving the objectives of meeting a consumer need as evidenced by the experience of other states;

(10) The relevant findings of the state health planning agency or the appropriate health system agency relating to the social impact of the mandated benefit;

(11) The alternatives to meeting the identified need;

(12) Whether the benefit is a medical or a broader social need and whether it is consistent with the role of health insurance and the concept of managed care;

(13) The impact of any social stigma attached to the benefit upon the market;

(14) The impact of this benefit on the availability of other benefits currently being offered; ~~and~~

(15) The impact of the benefit as it relates to employers shifting to self-insured plans and the extent to which the benefit is currently being offered by employers with self-insured plans; and

(16) The impact of making the benefit applicable to the state employee health insurance program;

D. The effects of balancing the social, economic and medical efficacy considerations, including:

(1) The extent to which the need for coverage outweighs the costs of mandating the benefit for all policyholders; ~~and~~

(2) The extent to which the problem of coverage may be solved by mandating the availability of the coverage as an option for policyholders; ~~and~~

(3) The cumulative impact of mandating this benefit in combination with existing mandates on the costs and availability of coverage.

See title page for effective date.

CHAPTER 617

H.P. 1321 - L.D. 1870

An Act Concerning the Coded Notation on OUI Offenders' Driver's Licenses

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

Sec. 1. 29-A MRSA §1404, sub-§2, as amended by PL 1997, c. 318, §1, is further amended to read:

2. Prior convictions. A person convicted of operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in section 2453, subsection 2, within 10 years of the date the license is issued, reissued or returned after a period of suspension bears a coded notation of that fact.

The Secretary of State may, at the request of a licensee, remove the coded notation from the license of a person convicted for a first operating-under-the-influence offense as defined in section 2453, subsection 2 after 6 years from the date of the conviction if the person has not been convicted or adjudicated of any traffic offense of speeding more than 15 miles per hour over the maximum speed limit or any offense

described under section 2551, subsection 1 or had a license suspended or revoked within that 6-year period.

See title page for effective date.

CHAPTER 618

H.P. 1394 - L.D. 1948

An Act to Improve Management of Contracted Personnel Services Costs

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

Sec. 1. 5 MRSA §1877-A, sub-§1, ¶¶C and D, as enacted by PL 1991, c. 780, Pt. Y, §82, are amended to read:

C. The degree to which personnel needs of state agencies are being met. This portion of the report must also include the evaluation of the Civil Service Policy Review Board with respect to this same issue; ~~and~~

D. Any problems that exist with respect to current policies and procedures as they relate to the personnel needs of state agencies. This portion of the report must also include the evaluation of the Civil Service Policy Review Board with respect to the issue of this paragraph; ~~and~~

Sec. 2. 5 MRSA §1877-A, sub-§1, ¶E is enacted to read:

E. All temporary and contracted positions within each agency and bureau of State Government. This information must include the duration and turnover of each position; the separate costs of each position for wages, benefits, contract fees and administration costs; and the position title or function. The costs associated with preparing this report must be absorbed utilizing existing department resources.

See title page for effective date.

CHAPTER 619

H.P. 1424 - L.D. 1988

An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs

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