

# 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**

accompanying legislation, the committee may submit legislation to the Second Regular Session of the 118th Legislature; and be it further

**Sec. 3. Budget authorization. Resolved:**

That the Commissioner of Education shall utilize the department's existing budgeted resources to examine and report on the matters pursuant to this resolve. The commissioner may accept and administer any outside funds contributed to support the work of this study.

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

Effective June 12, 1997.

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**CHAPTER 76**

**H.P. 1030 - L.D. 1447**

**Resolve, to Require the Department of Environmental Protection to Review the Asbestos Hazard Emergency Response Act of 1986**

**Sec. 1. Study. Resolved:** That the Department of Environmental Protection shall review, within its existing budgeted resources, the federal Asbestos Hazard Emergency Response Act of 1986, 15 United States Code, Section 2641 et seq. as it relates to asbestos abatement in Maine schools to determine the appropriateness of the State's current response to asbestos abatement in schools throughout Maine. In conducting the review the department may include, but is not limited to, an examination of the following professional literature:

1. Breaking the Vicious Circle: Toward Effective Risk Regulation. Stephen G. Breyer, Harvard University Press, Cambridge, 1993;
2. "Proceedings: Symposium on Health Aspects of Exposure to Asbestos in Buildings." Harvard University Energy and Environmental Policy Center, 1988;
3. "Asbestos: Scientific Developments and Implication of Public Policy." Science, Washington, D.C., January 19, 1990;
4. "The Toxic Tort that Won't Die." The Wall Street Journal, July 10, 1996; and
5. "High Court to Hear Two Cases on Asbestos Exposure." The New York Times, November 2, 1996; and be it further

**Sec. 2. Consultation required. Resolved:** That the Department of Environmental Protection

shall consult with the Bureau of General Services within the Department of Administrative and Financial Services and the Department of Education prior to and during the review; and be it further

**Sec. 3. Report. Resolved:** That the Department of Environmental Protection shall submit its report, together with any necessary implementing legislation, to the First Regular Session of the 119th Legislature by January 1, 1999.

See title page for effective date.

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**CHAPTER 77**

**H.P. 681 - L.D. 933**

**Resolve, to Establish a Commission to Study Insurance Fraud**

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

**Whereas,** it has come to the attention of the Legislature that insurance fraud is a serious concern of both the insurance industry and law enforcement; and

**Whereas,** a study of the laws related to insurance fraud is necessary to determine the extent of the problem in the State and to develop possible recommendations to strengthen the State's laws governing insurance fraud; and

**Whereas,** this resolve establishes the Commission to Study Insurance Fraud; and

**Whereas,** members of the commission established by this resolve must be appointed prior to the expiration of the 90-day period; 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

**Sec. 1. Commission established. Resolved:** That the Commission to Study Insurance Fraud, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 12 members:

1. Ten members appointed by the Governor representing the following interests and constituent groups: five representatives from the insurance