

# 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

industry; one representative of the Office of the State Fire Marshal; one representative of the Medicaid fraud unit of the Department of Human Services; one representative of the private bar; one representative of a hospital; and one representative of health care providers. Trade groups representing these interests may make recommendations to the Governor regarding appointees to the commission; and

2. Two Legislators, one of whom must be a Senator appointed by the President of the Senate and one of whom must be a Representative appointed by the Speaker of the House; and be it further

**Sec. 3. Appointments; meetings. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. Within 15 days after the appointment of all members, the Chair of the Legislative Council shall call and convene the first meeting of the commission. The commission shall select a chair from among its members; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall study the following issues:

1. The current statutory provisions governing insurance fraud in this State including the civil and criminal penalties available and the effectiveness of those provisions;

2. Any model legislation relating to insurance fraud proposed by the National Association of Insurance Commissioners and the laws concerning insurance fraud in other states; and

3. Any other issues concerning insurance fraud determined relevant to the study by the commission; and be it further

**Sec. 5. Staffing assistance. Resolved:** That the Bureau of Insurance shall provide staffing assistance to the commission. The Office of Policy and Legal Analysis may also serve as a resource to the commission; and be it further

**Sec. 6. Reimbursement. Resolved:** That the legislative members of the commission are entitled to legislative per diem and reimbursement for travel and other necessary expenses upon application to the Executive Director of the Legislative Council; and be it further

**Sec. 7. Meetings. Resolved:** That the commission may meet up to 5 times; and be it further

**Sec. 8. Report. Resolved:** That the commission shall submit its report and recommendations,

together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over insurance matters no later than January 1, 1998. If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 9. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

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Commission to Study  
Insurance Fraud

Personal Services	\$550
All Other	1,000

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Commission to Study Insurance Fraud.

TOTAL	\$1,550
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**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 78

S.P. 465 - L.D. 1437

**Resolve, to Study the State's  
Regional Service Center  
Communities**

**Whereas,** the State's approximately 85 service center communities account for 75% of the State's jobs, 84% of its taxable retail sales and a majority of its social services; and

**Whereas,** these service center communities as a whole have been experiencing a long-term decline in population, a deterioration of infrastructure, a significantly higher-than-average property tax burden and a growing percentage of dependent populations; and

**Whereas,** the Legislature finds that these service center communities not only are essential to the