

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

~~pay a penalty equal to the taxes that would have been assessed on the first day of April for the 5 tax years, or any lesser number of tax years starting with the year in which the property was first classified, preceding that withdrawal had the real estate been assessed in each of those years at its fair market value on the date of withdrawal less all taxes paid on that real estate over the preceding 5 years and interest at the legal rate from the date or dates on which those amounts would have been payable. Persons electing to withdraw under this paragraph may pay the penalty owed in 5 equal annual installments with interest at the legal rate to begin 60 days after the date of assessment. Notwithstanding section 943, the period during which the tax lien mortgage, including interest and costs, must be paid to avoid foreclosure and expiration of the right of redemption is 48 months instead of 18 months. The procedure for withdrawal provided in this paragraph is intended to be an alternative to the procedure in section 581;~~

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

Effective March 29, 1999.

CHAPTER 34

H.P. 263 - L.D. 367

An Act to Clarify the Criteria for Renewal of Agency Liquor Store Licenses

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

Sec. 1. 28-A MRS §458, sub-§2, ¶C, as enacted by PL 1991, c. 782, §1, is amended to read:

C. Any changes in the interior selling location of the premises or renovations to the applicant's licensed premises;

Sec. 2. 28-A MRS §458, sub-§2-A is enacted to read:

2-A. Review exemptions. Notwithstanding subsection 2, paragraph C, when considering an application for the renewal of an agency license, the bureau may not consider minor changes to the placement of liquor inventory if the changes are not for the purposes of marketing beyond those provided in law or agency rule or for increasing access by

minors but are to address some other liquor placement issue that is within the scope of the person's license.

See title page for effective date.

CHAPTER 35

S.P. 274 - L.D. 792

An Act to Allow Preliminary Steps to be Taken in Preparation for the Mandatory Use of Conviction Data in Teacher Screening

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

Whereas, commencing July 1, 1999, certification, authorization, approval and renewal of teachers and educational personnel are subject to the Maine Revised Statutes, Title 20-A, section 6103; and

Whereas, fingerprinting of the affected applicant, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results to the Department of Education must occur as a practical necessity before department screening using conviction data begins on July 1, 1999; 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. 20-A MRS §6103, first ¶, as amended by PL 1997, c. 452, §3, is further amended to read:

Beginning July 1, ~~1999~~ 2000, certification, authorization, ~~approval~~ and renewal under chapters 501 and 502 are subject to the provisions of this section. Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.

Sec. 2. 20-A MRS §6103, as amended by PL 1997, c. 452, §3, is further amended by adding after the first paragraph a new paragraph to read:

Beginning September 1, 1999, approval under chapters 501 and 502 is subject to the provisions of this section. Fingerprinting of applicants for approval, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.

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

Effective March 29, 1999.

CHAPTER 36

S.P. 48 - L.D. 119

An Act to Make Maine Medicare Supplement Insurance Laws Consistent with Federal Laws

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

Whereas, the United States Congress enacted and the President signed the Balanced Budget Act of 1997; and

Whereas, portions of that law preempt conflicting state laws; and

Whereas, it is in the best interest of the people of Maine for the State to retain its ability to regulate its Medicare supplement insurance market; 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. 24-A MRSA §2849-B, sub-§1, as amended by PL 1997, c. 370, Pt. C, §4, is further amended to read:

1. Policies subject to this section. This section applies to all individual, group and blanket medical insurance policies except hospital indemnity, specified accident, specified disease, long-term care and short-term policies issued by insurers or health maintenance organizations. For purposes of this section, a short-term policy is an individual, nonrenewable policy issued for a term that does not exceed 12 months.

This section does not apply to Medicare supplement policies as defined in section 5001, subsection 4.

Sec. 2. 24-A MRSA §2849-B, sub-§2, ¶¶A and B, as amended by PL 1997, c. 445, §25 and affected by §32, are further amended to read:

A. That person was covered under an individual or group contract or policy issued by any non-profit hospital or medical service organization, insurer, health maintenance organization, or was covered under an uninsured employee benefit plan that provides payment for health services received by employees and their dependents or a governmental program, including, but not limited to, those listed in section 2848, subsection 1-B, paragraph A, subparagraphs (3) to (10). For purposes of this section, the individual or group policy under which the person is seeking coverage is the "succeeding policy." The group or individual contract or policy or the uninsured employee benefit plan that previously covered the person is the "prior contract or policy"; and

B. Coverage under the prior contract or policy terminated:

(1) Within 180 days before the date the person enrolls or is eligible to enroll in the succeeding contract if:

(a) Coverage was terminated due to unemployment, as defined in Title 26, section 1043;

(b) The person was eligible for and received unemployment compensation benefits for the period of unemployment, as provided under Title 26, chapter 13; and

(c) The person is employed at the time replacement coverage is sought under this provision; or

(2) Within 90 days before the date the person enrolls or is eligible to enroll in the succeeding contract.

A period of ineligibility for any health plan imposed by terms of employment may not be considered in determining whether the coverage ended within a time period specified under this section; ~~or~~.

Sec. 3. 24-A MRSA §2849-B, sub-§2, ¶D, as enacted by PL 1997, c. 445, §25 and affected by §32, is repealed.

Sec. 4. 24-A MRSA §5002-B is enacted to read: