

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

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

Sec. 1. 5 MRSA §1710-E, as amended by PL 1999, c. 127, Pt. A, §8, is further amended to read:

§1710-E. Revenue Forecasting Committee; established; membership

There is established the Revenue Forecasting Committee, referred to in this chapter as the "committee," for the purpose of providing the Governor, the Legislature and the State Budget Officer with analyses, findings and recommendations relating to the projection of revenues for the General Fund and the Highway Fund based on economic assumptions recommended by the Consensus Economic Forecasting Commission. The committee includes the State Budget Officer, the State Tax Assessor, the State Economist, an economist on the faculty of the University of Maine System selected by the chancellor, the Director of the Office of Fiscal and Program Review and ~~an analyst from the Office of Fiscal and Program Review designated by the director of that office~~ another member of the Legislature's nonpartisan staff familiar with revenue estimating issues appointed by the Legislative Council. One of the 6 members must be selected by a majority vote of the committee members to serve as the chair of the committee.

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

Effective February 22, 2001.

CHAPTER 3

H.P. 71 - L.D. 80

An Act to Allow Certified Insurance Counselors to Qualify as Risk Managers

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

Sec. 1. 24-A MRSA §2412-A, sub-§1, ¶B, as amended by PL 1999, c. 538, §1 and affected by §3, is further amended to read:

B. "Large commercial policyholder" means an insurance contract holder that is a corporation, partnership, trust, sole proprietorship or other business or public entity and that has certified that it meets:

- (1) At least 2 of the following 3 criteria:

(a) A net worth of \$10,000,000 as certified by a certified public accountant or public accountant authorized to do business in this State;

(b) Net revenue or sales of \$5,000,000 as certified by a certified public accountant or public accountant authorized to do business in this State; or

(c) A total of more than 25 employees per individual company or more than 50 employees per holding company; and

- (2) The following criteria:

(a) The use of an employed or retained risk manager to procure insurance. For purposes of this division, "risk manager" means a chartered property and casualty underwriter, a certified insurance counselor, an associate in risk management, a certified risk manager or a licensed insurance consultant; and

(b) Aggregate property and casualty insurance premiums, excluding workers' compensation, medical malpractice, life, health and disability insurance premiums as follows:

(i) Until December 31, 2000, \$90,000;

(ii) From January 1, 2001 until December 31, 2001, \$75,000;

(iii) From January 1, 2002 until December 31, 2002, \$60,000; and

(iv) After January 1, 2003, \$50,000.

"Large commercial policyholder" also includes a nonprofit or public entity with an annual budget or assets of \$25,000,000 or more that meets the criteria listed in subparagraph (2) and a municipality with a population of 20,000 or more that meets the premium criteria listed in subparagraph (2), division (b).

A commercial policyholder that meets the premium criteria listed in subparagraph (2), division (b) but that does not meet 3 of the qualifying criteria listed in either subparagraph (1) or subparagraph (2), division (a) may petition the superintendent for a waiver of the remaining

criteria. The superintendent may grant a waiver if the superintendent determines that the applicant for a waiver is sufficiently qualified to act as a large commercial policyholder.

See title page for effective date.

CHAPTER 4

H.P. 31 - L.D. 5

An Act to Correct a Reference in the Maine Juvenile Code

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

Sec. 1. 15 MRSA §3202, as repealed and replaced by PL 1979, c. 681, §9, is amended to read:

§3202. Arrest warrants for juveniles

An arrest warrant for a juvenile ~~shall~~ **must** be issued in the manner provided by Rule 4, ~~Maine District Court Criminal Rules~~ of the Maine Rules of Criminal Procedure, ~~provided except~~ that affidavits alone ~~shall~~ **must** be presented and a petition ~~shall~~ **is** not be necessary. Following arrest, the juvenile ~~shall be~~ **is** subject to the procedures specified in section 3301.

See title page for effective date.

CHAPTER 5

H.P. 102 - L.D. 106

An Act to Establish Maine Lighthouse Week

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

Whereas, the month of June is the beginning of the very important and exciting summer season in the State of Maine; and

Whereas, in order to allow more people to participate in the celebration of Maine's heritage this year; 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. 1 MRSA §139 is enacted to read:

§139. Maine Lighthouse Week

The Governor shall annually issue a proclamation setting aside the 3rd full week in June as Maine Lighthouse Week to invite and urge the people of the State to observe this week in suitable places and with appropriate ceremony and activity to honor and commemorate the important role of lighthouses in Maine's history.

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

Effective March 13, 2001.

CHAPTER 6

H.P. 45 - L.D. 54

An Act to Allow the Transfer of a Valid Turkey Permit to a Juvenile or Senior Citizen

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

Sec. 1. 12 MRSA §7468, sub-§4, as amended by PL 1999, c. 323, §2 and affected by §3, is further amended to read:

4. Hunting permits. The commissioner may establish the number of wild turkey permits for each wild turkey hunting zone and may issue those permits annually. The percentage of total wild turkey permits issued to nonresident and alien hunters may not exceed the average percentage of applicants for wild turkey permits over the previous 3 years who were nonresidents and aliens and may not be more than 10% of the total wild turkey permits issued statewide. A person whose application is selected may obtain a wild turkey hunting permit upon presentation of proof that the person possesses:

- A. A valid Maine hunting license, if the person is a resident of the State; or
- B. A valid Maine big game hunting license, if the person is a nonresident or alien.

An adult who holds a valid wild turkey permit may transfer the permit to a junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then return the permit to the department prior to the start of the turkey season. The commissioner shall record the transfer and return the