

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

superintendent's successor is appointed and qualified. The superintendent may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature, and Title 5, section 931, subsection 2, ~~shall does~~ not apply. ~~Any~~ A person appointed as superintendent ~~shall must~~ have the knowledge of, or experience in, the theory and practice of ~~banking~~ financial institutions.

Sec. 8. 10 MRSA §1126, sub-§1, as amended by PL 1995, c. 309, §17 and affected by §29, is further amended to read:

1. Certification. A supervised lender or lessor, or any trade organization or association acting on behalf of supervised lenders or lessors, may submit any proposed form of agreement to the Office of Consumer Credit Regulation or, in the case of forms of agreement from supervised financial organizations, the Bureau of ~~Banking~~ Financial Institutions. Within 45 days, the office or bureau shall either certify the form as complying with the requirements of section 1124 or refuse to certify the form as complying, setting forth written reasons for its refusal. Failure by the office or bureau to act under this section within 45 days is considered a certification of the form's compliance. A certification of compliance under this section is an absolute bar to any legal proceeding by the director or superintendent for failure to comply with the requirements of section 1124.

Sec. 9. 10 MRSA §8001, sub-§1, as amended by PL 1995, c. 397, §4, is further amended to read:

1. Bureau of Financial Institutions. Bureau of ~~Banking~~ Financial Institutions;

Sec. 10. 10 MRSA §8003, sub-§5, as amended by PL 1999, c. 547, Pt. B, §78 and affected by §80 and amended by c. 687, Pt. C, §7, is further amended by amending the first paragraph to read:

5. Authority of bureaus, offices, boards or commissions. In addition to authority otherwise conferred, unless expressly precluded by language of denial in its own governing law, each bureau, office, licensing board and commission within or affiliated with the department may take one or more of the following actions, except that this subsection does not apply to the Bureau of ~~Banking~~ Financial Institutions.

Sec. 11. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Bureau of Banking" appear or reference is made to those words, they are amended to read and mean "Bureau of Financial Institutions" and wherever in the Maine Revised Statutes the words "Superintendent of Banking" appear or reference is made to those words, they are amended to read and mean "Superintendent of

Financial Institutions" and the Revisor of Statutes shall implement the revisions when updating, publishing or republishing the statutes.

Sec. 12. Transition provisions. All existing supplies, forms, letterheads and similar items bearing the name of or referring to the Bureau of Banking or to the Superintendent of Banking may be utilized by the Bureau of Financial Institutions or the Superintendent of Financial Institutions until existing supplies of these items are exhausted.

Sec. 13. Examination reports, rules, orders, opinions, bulletins and advisory rulings remain in effect. An examination report, rule, order, opinion, bulletin or advisory ruling issued by the Superintendent of Banking within the Department of Professional and Financial Regulation remains applicable after the effective date of this Act to financial institutions authorized to do business in this State as if issued by the Superintendent of Financial Institutions.

Sec. 14. Effective date. This Act takes effect January 1, 2002.

Effective January 1, 2002.

CHAPTER 45

H.P. 522 - L.D. 677

An Act to Change the Deadline for the Reporting of a Pilot Project Regarding Ambulance Drivers

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

Whereas, the Department of Public Safety, Maine Emergency Medical Services is conducting a pilot project to provide training for ambulance operators and must report the results by January 1, 2002; and

Whereas, the reporting date of this project has passed and the department still needs additional time to complete the report; 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. 32 MRSA §85, sub-§6, as enacted by PL 1999, c. 764, §1, is amended to read:

6. Ambulance operator course. By January 1, ~~2003~~ 2004, a person whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient. This requirement applies to all paid and volunteer ambulance operators and transporters. This requirement is in addition to vehicle operator requirements of Title 29-A or other law. A person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course or a course that has been approved by the board as an equivalent may apply to the board for reimbursement for the cost of the course.

Sec. 2. PL 1999, c. 764, §2 is amended to read:

Sec. 2. Pilot project. The Department of Public Safety, Maine Emergency Medical Services shall conduct a pilot project to provide training for ambulance operators required under this Act and explore alternative funding sources for that training. Maine Emergency Medical Services shall hire a consultant through a competitive bidding process to set up, conduct and report on the results of the pilot project. Maine Emergency Medical Services shall report on the results of the pilot project to the joint standing committee of the Legislature having jurisdiction over public safety matters by January 1, ~~2004~~ 2002. The report must contain a plan for implementation of this Act and any necessary implementing legislation. Following review of the report, the committee may introduce a bill regarding ambulance operator training to the ~~First~~ Second Regular Session of the 120th Legislature.

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

Effective April 11, 2001.

CHAPTER 46

H.P. 244 - L.D. 280

An Act Concerning Recordkeeping in Relation to Employment of Minors

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

Sec. 1. 26 MRSA §781, sub-§1-A is enacted to read:

1-A. De minimis violations of section 774. Notwithstanding subsection 1, absent a finding that reasonably suggests a pattern of knowing and intentional conduct, the bureau may disregard the following violations of section 774:

A. A violation of the limits on the time that work may begin or end under section 774, subsection 1, paragraph F or G or section 744, subsection 2, paragraph F, as long as the violation is no greater than 10 minutes per day;

B. A violation of the number of hours a minor may work in any day under section 774, subsection 1, paragraph B, C or D or section 774, subsection 2, paragraph C or D, as long as the violation is not greater than 10 minutes per day; and

C. A violation of the number of hours worked in a week under section 774, subsection 1, paragraph A or B or section 774, subsection 2, paragraph A or B, as long as the violation is not greater than 50 minutes in a week.

See title page for effective date.

CHAPTER 47

H.P. 341 - L.D. 431

An Act to Amend the Credit for Reinsurance Provisions of the Maine Insurance Code

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

Sec. 1. 24-A MRSA §601, sub-§26 is enacted to read:

26. Accreditation as reinsurer. Application fee for accreditation as reinsurer \$500.

Sec. 2. 24-A MRSA §731-B, sub-§1, ¶B-1 is enacted to read:

B-1. Is accredited as a reinsurer in this State, in accordance with the following standards.

(1) To apply for accreditation, a reinsurer shall file with the superintendent a written application on a form prescribed by the superintendent, accompanied by the fee prescribed in section 601, subsection 26 and an agreement to submit to the jurisdiction of the courts of this State and to the authority