

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

- (a) The financial soundness of the health maintenance organization's arrangements for health care services and the schedule of charges used;
- (b) The adequacy of working capital;
- (c) Any agreement with an insurer, a nonprofit hospital or medical service corporation, a government or any other organization for insuring or providing the payment of the cost of health care services or the provision for automatic applicability of an alternative coverage in the event of discontinuance of the plan;
- (d) Any agreement with providers for the provision of health care services that contains a covenant consistent with subsection 6; and
- (e) Any arrangements for insurance coverage or an adequate plan for self-insurance to respond to claims for injuries arising out of the furnishing of health care services.

See title page for effective date.

**CHAPTER 73**

**S.P. 153 - L.D. 497**

**An Act to Reduce Noise Pollution**

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

**Sec. 1. 29-A MRSA §2079-A** is enacted to read:

**§2079-A. Excessive sound system noise**

**1. Prohibition.** A person may not operate a sound system in a vehicle on a public way at a volume that is audible at a distance of greater than 25 feet and that exceeds 85 decibels or that is greater than is reasonable with due regard to the location of the vehicle and the effect on persons in proximity to the vehicle. It is a prima facie violation of this section if the vehicle is located near buildings and the buildings or windows in the buildings are shaken or rattled by the sound of the sound system.

**2. Penalty.** Violation of subsection 1 is a traffic infraction for which the following forfeitures must be assessed:

- A. For a first offense, \$50;

- B. For a 2nd offense, \$100; and

- C. For a 3rd or subsequent offense, \$150.

See title page for effective date.

**CHAPTER 74**

**S.P. 140 - L.D. 463**

**An Act to Authorize the Department of Transportation to Locate and Construct Railroad Lines**

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

**Sec. 1. 23 MRSA §5071**, as enacted by PL 1987, c. 141, Pt. A, §4, is amended by inserting at the end a new paragraph to read:

To carry out its directive to ensure the development and maintenance of safe, efficient and reliable rail transportation, the Department of Transportation may locate and construct railroad lines. The department shall give notice of the location of each such railroad line by publishing a description of the location in a newspaper of general circulation in each county through which the line passes. Before commencing construction, the department shall set a day and time for hearing so that all interested persons have an opportunity to appear. If the department, after hearing, determines to proceed with the construction of the railroad line, the department shall file with the registry of deeds of each affected county a plan of the location of the line defining its course, distance and boundaries. This plan must be kept on file and available to the public at the department's office in Augusta. For the purpose of locating and constructing railroad lines, the department may acquire all necessary property interests through purchase, lease, or condemnation pursuant to section 154.

See title page for effective date.

**CHAPTER 75**

**H.P. 310 - L.D. 388**

**An Act to Amend Disclosure Reporting Requirements**

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

**Sec. 1. 1 MRSA §1016-A, first ¶**, as amended by PL 1989, c. 734, is further amended to read:

Each Legislator shall file a statement of specific sources of income received in the preceding calendar year with the commission by 5:00 p.m. on February 15th of each year on forms provided by the ~~Secretary of State commission~~. Prior to the end of the first week in January of each year, the ~~Secretary of State commission~~ shall deliver a form to each Senator and member of the House of Representatives. The statement of specific sources of income filed under this subchapter must be on a form prescribed by the commission ~~and prepared by the Secretary of State~~ and is a public record.

**Sec. 2. 1 MRSA §1018**, as repealed and replaced by PL 1977, c. 252, §4, is amended to read:

**§1018. Updating statement**

A Legislator shall file an updating statement with the commission on a form prescribed ~~by the commission~~ and prepared by the ~~Secretary of State commission~~. ~~Such~~ The statement ~~shall~~ must be filed within 30 days of addition, deletion or change to the information relating to the preceding year supplied under this subchapter.

**Sec. 3. 5 MRSA §19, sub-§3, ¶B**, as enacted by PL 1979, c. 734, §2, is amended to read:

B. Each executive employee shall file the annual report prior to the close of the 2nd week in April, ~~unless he~~ unless that employee has filed an initial or updating report during the preceding 30 days; ~~except that, if an elected or appointed executive employee has already filed a report for the preceding calendar year pursuant to paragraph A, a report does not need to be filed.~~

See title page for effective date.

**CHAPTER 76**

**S.P. 151 - L.D. 495**

**An Act to Amend the Small Power Production and Cogeneration Laws**

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

**Sec. 1. 35-A MRSA §3302, sub-§§1 and 2**, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

**1. Encourage development.** Encourage the development of energy producing systems using renewable resources, particularly abundant, indigenous, renewable resources or resources in close proximity to Maine; ~~and~~

**2. Promote existing use.** Promote the more efficient use of existing energy systems particularly, through the cogeneration of power; ~~and~~

**Sec. 2. 35-A MRSA §3302, sub-§3** is enacted to read:

**3. Meet goals.** Require, whenever the interests of competition, consumers of electricity and economic development in this State are not adversely affected, that the commission ensure that the goals of this section will be met following the restructuring of the electric utility industry by:

A. Proposing market rules and transmission pricing policies and practices at the regional and federal levels that encourage the generation and sale of electricity from the State's renewable power producers and cogenerators;

B. Opposing market rules and proposed transmission pricing policies and practices that place the State's renewable power producers and cogenerators at a competitive disadvantage compared with nonrenewable power generators; and

C. Implementing the State's electric industry restructuring laws and other provisions of this Title in a manner that promotes generation of electricity from the State's indigenous renewable resources and cogeneration.

See title page for effective date.

**CHAPTER 77**

**H.P. 353 - L.D. 443**

**An Act to Increase the Penalty for Misuse of Placards or Registration Plates for Handicapped Motor Vehicle Operators**

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

**Sec. 1. 29-A MRSA §521, sub-§11**, as enacted by PL 1999, c. 470, §6, is amended to read:

**11. Violation.** A person other than a person with a disability or an organization transporting a person with a disability using a set of disability registration plates or a windshield placard commits a traffic infraction and is subject to a ~~\$100~~ penalty of not less than \$100 nor more than \$500. The disability registration plates or removable windshield placard may be suspended for improper use.

See title page for effective date.