

# 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**

**CHAPTER 85**

**H.P. 21 - L.D. 21**

**An Act to Allow the Awarding of High School Diplomas to Veterans of World War II and the Korean Conflict**

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

**Whereas,** graduation will have passed by the time the Legislature adjourns; and

**Whereas,** this legislation needs to be an emergency in order to allow diplomas to be awarded before the end of the current school 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. 20-A MRSA §4722, sub-§6** is enacted to read:

**6. Exception for certain veterans.** A secondary school may award a high school diploma to a person who meets all of the following requirements. A diploma may be awarded posthumously.

A. The person or the person's family must apply to the secondary school for the diploma.

B. The person must either:

(1) Have attended the secondary school or attended a secondary school in the geographic area now served by the secondary school; or

(2) Currently reside in the geographic area served by the secondary school.

C. The person must have left secondary school either:

(1) Before or during World War II to serve in the Armed Forces during World War II; or

(2) Before or during the Korean Conflict to serve in the Armed Forces in the Korean Conflict.

D. The person did not graduate or receive a high school diploma because of service in the Armed Forces.

E. The person received an honorable discharge or a certificate of honorable service from the Armed Forces.

For purposes of this subsection, "Armed Forces" means the Army, Navy, Air Force, Marine Corps or Coast Guard; and the Merchant Marines only for the period of December 7, 1941 to August 16, 1945.

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

Effective May 8, 2001.

**CHAPTER 86**

**H.P. 136 - L.D. 147**

**An Act to Protect the Academic Integrity of Maine's Public Institutions of Higher Education**

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

**Sec. 1. 20-A MRSA §10007** is enacted to read:

**§10007. Limitation on receipt of gifts, grants or donations; trustee policy and review**

In furtherance of the provisions of section 10902, subsection 2, paragraph B, the Board of Trustees of the Maine Maritime Academy, the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System shall each adopt a policy that ensures that each public system, its respective campus and any foundation related to each public system or its campus is prohibited from accepting funds from any source that would interfere with or otherwise restrict the academic freedoms typically accorded to the faculty of public higher educational institutions in teaching, research and expression of opinions. Policies adopted or amended by the trustees of each public system must include the establishment of a process for reviewing gifts, grants or donations of funds to ensure that the gifts, grants or donations of funds do not include restrictions that would interfere with or otherwise restrict the academic freedom of the faculty of each public system. This section may not be construed in such a way as to prohibit a donor from designating funds for a particular purpose or use, including, but

not limited to, research, scholarships, construction or development.

See title page for effective date.

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**CHAPTER 87**

**H.P. 748 - L.D. 967**

**An Act to Waive Immunization Requirements for Students Participating in Distance Programs**

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

**Sec. 1. 20-A MRSA §6359**, as amended by PL 1991, c. 146, §§1 to 4, is further amended by adding at the end a new paragraph to read:

A student who is enrolled in a distance education program offered by a school and who does not physically attend any classes or programs at a school facility, including a campus, center or site of that school, or at a school facility, including a campus, center or site of any other school, is exempt from the provisions of this section.

See title page for effective date.

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**CHAPTER 88**

**S.P. 387 - L.D. 1284**

**An Act Related to the Financial Regulation of Health Maintenance Organizations**

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

**Sec. 1. 24-A MRSA §4204, sub-§4, ¶F** is enacted to read:

F. The superintendent may require a health maintenance organization to continue to maintain the deposit required under this subsection after the health maintenance organization has withdrawn from the market in accordance with section 415-A.

**Sec. 2. 24-A MRSA §4204, sub-§6, ¶C** is enacted to read:

C. In addition to the other provisions in this subsection, if a petition to liquidate an insolvent health maintenance organization is filed with a court of competent jurisdiction, then after the date of filing the petition for liquidation:

(1) Any provider who has rendered a covered service for a subscriber or enrollee of the insolvent health maintenance organization is prohibited from collecting or attempting to collect from the subscriber or enrollee amounts normally payable by the insolvent health maintenance organization; and

(2) A provider or agent, trustee or assignee of the provider may not maintain any action at law against a subscriber or enrollee of the insolvent health maintenance organization to collect amounts for covered services normally payable by the insolvent health maintenance organization.

Nothing in this subsection prohibits a provider from collecting or attempting to collect from a subscriber or enrollee any amounts for services not normally payable by the insolvent health maintenance organization, including applicable copayments or deductibles.

**Sec. 3. 24-A MRSA §4204-A, sub-§2, ¶C**, as enacted by PL 1989, c. 842, §14, is amended to read:

C. An amount equal to the sum of 3 months uncovered health care expenditures as reported on the financial statement covering the health maintenance organization's immediately preceding fiscal year as filed with the superintendent; ~~or~~

**Sec. 4. 24-A MRSA §4204-A, sub-§2, ¶D**, as enacted by PL 1989, c. 842, §14, is repealed and the following enacted in its place:

D. An amount equal to 8% of annual health care expenditures, except those paid on a capitated basis as reported on the financial statement covering the health maintenance organization's immediately preceding fiscal year as filed with the superintendent; or

**Sec. 5. 24-A MRSA §4204-A, sub-§2, ¶E** is enacted to read:

E. An amount equal to the company action level risk-based capital as defined in chapter 79.

**Sec. 6. 24-A MRSA §4222-B, sub-§§5 and 6**, as enacted by PL 1995, c. 332, Pt. O, §8, are amended to read:

**5.** The requirements of section 222, subsections 2 to 9, subsections 11-A and 11-B and subsections 13 to 18 apply to domestic health maintenance organizations.