

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

tion 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 §3403-B, sub-§1, as enacted by PL 1997, c. 727, Pt. C, §9, is amended to read:

1. Plumbing and plumbing code. The board shall adopt minimum rules relating to plumbing, including a plumbing code. All rules, including installation and inspection rules, must be consistent with this chapter and Title 30-A, chapter 185, subchapter III, except that the authority of municipalities to adopt more restrictive ordinances under Title 30-A, section 3001 is not preempted. Rules Notwithstanding the Maine Administrative Procedure Act, the adoption of a national or international published plumbing code as a new plumbing code for the State constitutes a major substantive rule and must receive affirmative action by the Legislature before adoption. Subsequent technical amendments to any national or international published plumbing code that may be adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

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

Effective May 18, 2001.

CHAPTER 216

H.P. 657 - L.D. 857

An Act to Strengthen the Ground Water Oil Clean-up Fund

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

Sec. 1. 38 MRSA §568-A, sub-§1, ¶E, as enacted by PL 1989, c. 865, §15 and affected by §§24 and 25, is amended to read:

E. An applicant is not eligible for coverage under this section if the applicant has any one or combination of the following relationships with an entity that owns or operates an oil refinery:

- (1) Is owned directly by or directly owns that entity;
- (2) Is a franchisee of that entity;
- (3) Is a member of a partnership or limited partnership that includes that entity;

- (4) Is a subsidiary of that entity; or
- (5) Is a parent corporation of that entity.

An applicant is not subject to this exclusion from coverage for discharges discovered after September 30, 2001 or if its sole relationship with the entity is a contractual agreement to purchase oil from the entity exclusively for retail sale or for the applicant's consumption.

Sec. 2. 38 MRSA §568-A, sub-§2, ¶A, as amended by PL 1999, c. 531, Pt. A, §1 and affected by §2, is further amended to read:

A. Standard deductibles are calculated under this paragraph based on the number of underground storage facilities or the capacity of gallons owned by the aboveground storage facility owner at the time the covered discharge is discovered. Standard deductibles are as follows.

- (1) For expenses related to a leaking underground oil storage facility, the deductible amount is determined in accordance with the following schedule:

Number of underground storage facilities owned by the facility owner	Deductible
1	\$2,500
2 to 5	5,000
6 to 10	10,000
11 to 20	25,000
21 to 30	40,000
over 30	62,500

- (2) For expenses related to a leaking aboveground oil storage facility, the deductible amount is determined in accordance with the following schedule:

Total aboveground oil storage capacity in gallons owned by the facility owner	Deductible
Less than 1,320	\$500
1,321 to 50,000	2,500
50,001 to 250,000	5,000
250,001 to 500,000	10,000
500,001 to 1,000,000	25,000
1,000,001 to 1,500,000	40,000
greater than 1,500,000	62,500

- (3) For facilities with both aboveground and underground tanks when the source of the discharge can not be determined or when the discharge is from both types of

tanks, the standard deductible is the applicable amount under subparagraph (1) or (2), whichever is greater.

Sec. 3. 38 MRSA §569-A, sub-§5, ¶E, as enacted by PL 1995, c. 399, §11 and affected by §21, is amended to read:

E. If the fund balance is reduced to ~~\$3,000,000~~ \$5,000,000 or less, the Fund Insurance Review Board may adopt rules increasing the fees imposed under paragraph A by up to ~~40¢~~ 20¢ per barrel for gasoline and up to ~~5¢~~ 10¢ per barrel for other petroleum products, except liquid asphalt and #6 fuel oil, as necessary to avoid a shortfall in the fund. The board may use the emergency rule-making procedures under Title 5, section 8054 if necessary to ensure that the fee increase is instituted in time to avoid a shortfall. Any fee increase adopted pursuant to this paragraph terminates and the fees imposed under paragraph A apply when the fund balance reaches ~~\$5,000,000~~ \$7,000,000.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Remediation and Waste Management		
All Other	\$18,750	\$18,750
Allocates additional funds from the Ground Water Oil Clean-up Fund to cover previously exempted clean-up costs.		

See title page for effective date.

CHAPTER 217

H.P. 864 - L.D. 1136

An Act to Treat All Children with Dignity

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

Sec. 1. 14 MRSA §711 is repealed.

Sec. 2. 18-A MRSA §3-817, sub-§(a), as enacted by PL 1979, c. 540, §1, is amended to read:

(a) No personal action or cause of action ~~shall be~~ is lost by the death of either party, but the same ~~shall survive~~ survives for and against the personal representative of the deceased, except that actions or causes of action for the recovery of penalties and forfeitures of money under penal statutes ~~and proceedings in bastardy cases shall~~ do not survive the death of the defendant. A personal representative may seek relief from a judgment in an action to which the deceased was a party to the same extent that the deceased might have done so.

See title page for effective date.

CHAPTER 218

H.P. 749 - L.D. 968

An Act to Define and Ensure Coverage of Basic Health Services by Health Maintenance Organizations

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

Whereas, recent rules adopted by the Bureau of Insurance defining "basic health care services" provide greater flexibility to health maintenance organizations in the benefits offered as part of managed care plans; and

Whereas, these rules were adopted as routine technical rules and did not require legislative review before final adoption; and

Whereas, the definition of "basic health care services" provided as part of health maintenance organization managed care plans raises significant public policy issues that merit legislative oversight; and

Whereas, this Act requires that future rule-making conducted to define "basic health care services" is major substantive rulemaking; 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 §4202-A, sub-§1, as amended by PL 1999, c. 222, §1, is further amended to read: