

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

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Sec. 1. 14 MRSA §711 is repealed.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: