

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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Sec. 1. 14 MRSA §711 is repealed.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:

1. Basic health care services. "Basic health care services" means health care services that an enrolled population might reasonably require in order to be maintained in good health and includes, at a minimum, emergency care, inpatient hospital care, inpatient physician services, outpatient physician services, ancillary services such as x-ray services and laboratory services and all benefits mandated by statute and mandated by rule applicable to health maintenance organizations. The superintendent may adopt rules defining "basic health care services" to be provided by health maintenance organizations. In adopting such rules, the superintendent shall consider the coverages that have traditionally been provided by health maintenance organizations; the need for flexibility in the marketplace; and the importance of providing multiple options to employers and consumers. The superintendent may not require that all health benefit plans offered by health maintenance organizations meet or exceed each of the particular requirements of standard or basic health plans specified in Bureau of Insurance Rule, Chapter 750. The superintendent may select required services from among those set forth in Bureau of Insurance Rule, Chapter 750 and shall permit reasonable, but not excessive or unfairly discriminatory, variations in the copayment, coinsurance, deductible and other features of such coverage, except that these features must meet or exceed those required in benefits mandated by statute. Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive 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 219

S.P. 472 - L.D. 1536

An Act to Clarify the Use of Funds for Reclassifications and Temporary Positions

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

Sec. 1. 5 MRSA §1676, as enacted by PL 1997, c. 24, Pt. EE, §1, is amended to read:

§1676. Transfer from salary plan

Notwithstanding section 1585, available balances in the General Fund Salary Plan program in the Department of Administrative and Financial Services that are no ~~long~~ longer required for the purposes for which they were appropriated may be made available

by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used to meet the fixed obligation of the General Fund for the unfunded actuarial liability in each fiscal year. Any other available balances in the General Fund Salary Plan may only be used or made available in accordance with legislative authorization.

Sec. 2. 5 MRSA §1676-A, as enacted by PL 1997, c. 25, Pt. M, §1, is amended to read:

§1676-A. Transfer from Highway Fund Salary Plan

Notwithstanding section 1585, available balances in the Highway Fund Salary Plan program in the Department of Administrative and Financial Services that are no longer required for the purposes for which they were allocated may be made available by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used to meet the fixed obligation of the Highway Fund for the unfunded actuarial liability in each fiscal year. Any other available balances in the Highway Fund Salary Plan may only be used or made available in accordance with legislative authorization.

See title page for effective date.

CHAPTER 220

S.P. 189 - L.D. 661

An Act to Make an Owner Responsible for Injuries Caused by a Dog

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

Sec. 1. 7 MRSA §3961, as amended by PL 1999, c. 254, §8, is repealed and the following enacted in its place:

§3961. Reimbursement for damage done by animals

1. Injuries and damages by animal. When an animal damages a person or that person's property due to negligence of the animal's owner or keeper, the owner or keeper of that animal is liable in a civil action to the person injured for the amount of damage done if the damage was not occasioned through the fault of the person injured.

2. Injuries by dog. Notwithstanding subsection 1, when a dog injures a person who is not on the owner's or keeper's premises at the time of the injury, the owner or keeper of the dog is liable in a civil action to the person injured for the amount of the damages. Any fault on the part of the person injured