

# 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**

year from the deadline for compliance as stated in the notice given to the self-insurer.

A bond, security deposit or letter of credit in excess of the amount prescribed by this subsection may be required if the superintendent determines that the self-insurer has experienced a deterioration in financial condition that adversely affects the self-insurer's ability to pay expected losses.

A judgment creditor other than a claimant for benefits under this Act does not have a right to levy upon the self-insurer's assets held in deposit pursuant to this paragraph.

**Sec. 2. 39-A MRSA §404, sub-§4, ¶¶C and D**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

C. The following pertains to postinsolvency assessment.

(1) In the event the assets of the fund are not sufficient to pay the obligations of the association, the association shall make an additional assessment as follows.

(a) Each individual self-insurer must be assessed an amount not in excess of ~~2%~~ 4% each year of the annual standard premium that would have been paid by the individual self-insurer during the prior calendar year. The assessments of each member individual self-insurer must be in the proportion that the annual standard premium of the individual self-insurer for the ~~premium~~ preceding calendar year bears to the annual standard premium of all member self-insurers for the preceding calendar year.

(b) Each group self-insurer must be assessed an amount not in excess of .2% each year of the total annual standard premium that would have been paid by all the members of that group self-insurer during the prior calendar year. The assessments of each member group self-insurer must be in the proportion that the annual standard premium of the group self-insurer for the ~~premium~~ preceding calendar year bears to the annual standard premium of all member self-insurers for the preceding calendar year.

(2) Each member self-insurer must be notified of the assessment no later than 30 days before it is due.

(3) The association may exempt or defer, in whole or in part, the assessment of any member self-insurer, if the assessment would cause that member's financial statement to reflect liabilities in excess of assets.

(4) Delinquent assessments, except as provided in subparagraph (3), must bear interest at the rate to be established by the board, but not exceed the discount rate of the Federal Reserve Bank, Boston, Massachusetts, on the due date of the assessment, plus 4% annually, computed from the due date of the assessment.

(5) The association shall establish in the plan of operations a mechanism to calculate the assessments required by subparagraph (1) by a simple and equitable means to convert from policy or fund years that are different from a calendar year.

D. ~~No~~ An individual self-insurer may not be assessed in any calendar year an amount greater than ~~2.5%~~ 4% of the annual standard premium that would have been paid by that self-insurer during the prior calendar year. ~~No~~ A group self-insurer may not be assessed in any calendar year an amount greater than .25% of the total annual standard premium that would have been paid by all the members of that group self-insurer during the prior calendar year. If the maximum assessment does not provide in any one year an amount sufficient to make all necessary payments, the ~~funds available must be prorated and the unpaid portion must be paid as soon thereafter as funds become available~~ association shall secure financing as provided for in the plan of operation.

There must be established in the plan of operations a mechanism to calculate the assessments required by this section by a simple and equitable means to convert from a policy or a fund ~~years~~ year that ~~are~~ is different from a calendar year.

See title page for effective date.

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**CHAPTER 225**

**H.P. 753 - L.D. 972**

**An Act Regarding Modified Show Vehicles**

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

**Sec. 1. 29-A MRSA §101, sub-§35-A** is enacted to read:

**35-A. Modified show vehicle.** "Modified show vehicle" means a factory-produced 2-wheel-drive motor vehicle manufactured after 1949 that is equipped with modified components and that qualifies as a modified show vehicle under rules adopted by the Chief of the State Police.

**Sec. 2. 29-A MRSA §458-A** is enacted to read:

**§458-A. Modified show vehicle**

**1. Fee.** The fee for registering a modified show vehicle is the fee established in section 501 for automobiles and pickup trucks or section 504 for commercial motor vehicles, as appropriate.

**2. Rules required.** The Chief of the State Police shall adopt rules that establish:

A. Standards to qualify vehicles as modified show vehicles, including, but not limited to, age of the vehicle, equipment specifications and condition and permissible modifications to the vehicle; and

B. Vehicle inspection standards for a modified show vehicle to operate on a public way that demonstrate the vehicle is mechanically safe, in good working order and is not a hazard to the occupant of the vehicle or to the general public.

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. The Chief of the State Police shall submit provisionally adopted rules to the Legislature no later than December 15, 2001.

See title page for effective date.

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**CHAPTER 226**

**H.P. 304 - L.D. 382**

**An Act to Reauthorize and Expand the Lobster Promotion Council**

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

**Sec. 1. 12 MRSA §6455, sub-§5,** as amended by PL 1997, c. 211, §3, is further amended to read:

**5. Fund established; license surcharge assessed.** The Lobster Promotion Fund, referred to in this subchapter as the "fund," is established to carry out the purposes of this subchapter. The department shall pay to the fund all money appropriated or received by the department for the purposes of this subchapter, except that the department may retain

funds necessary to reimburse the department for the actual cost of collecting the license surcharges established in this subsection. The fund is capitalized from the following annual surcharges assessed on the following licenses issued by the department for calendar years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000 and, 2001, 2002, 2003, 2004 and 2005:

A. Class I crab and lobster licenses for persons 18 to 69 years of age, ~~\$25~~ \$31.25;

B. Class II crab and lobster licenses, ~~\$50~~ \$62.50;

C. Class III crab and lobster licenses, ~~\$75~~ \$93.75;

D. Wholesale seafood licenses with lobster permits, ~~\$200~~ \$250; and

E. Lobster transportation licenses, ~~\$200~~ \$250.

A person holding more than one of the licenses listed in this subsection is assessed a surcharge only on the highest surchargeable license held.

The Treasurer of State shall hold all surcharges assessed by this subsection in the fund and invest all money in the fund until disbursed to the council upon request of the council. Interest from investments accrues to the fund.

All money in the fund is subject to allocation by the Legislature. Unexpended balances in the fund at the end of the fiscal year may not lapse but must be carried forward to be used for the same purposes.

In addition to payment of the regular license fee and the surcharge, a person purchasing a license subject to the surcharges established in this subsection may make voluntary contributions to the fund at the time the license is purchased. Voluntary contributions received by the department from a licensee pursuant to this subsection must be deposited in the fund by the department and must be used by the council for the purposes of this subchapter.

**Sec. 2. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
<b>LOBSTER PROMOTION COUNCIL</b>		
<b>Lobster Promotion Council</b>		
All Other	\$79,757	\$79,757