

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

tion to a sheriff ~~or~~ deputy sheriff or county corrections employee who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55. For the purposes of this subsection, "county corrections employee" means an employee of a county who is employed at a county jail and whose duties include contact with prisoners or juvenile detainees.

Sec. 4. Report to the Legislature. The Board of Trustees of the Maine State Retirement System shall include in its report to the Joint Standing Committee on Labor in year 2001 under the Maine Revised Statutes, Title 5, section 17103, subsection 11 an update on the actions of the board and the Participating Local District Advisory Committee to make available a special retirement plan for county correctional employees like that available to sheriffs and deputy sheriffs.

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

Effective June 8, 2001.

CHAPTER 369

H.P. 193 - L.D. 204

An Act to Encourage the Creation of an Alliance for the Purpose of Purchasing Health Insurance

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

Sec. 1. 24-A MRSA §1951, sub-§2, as amended by PL 1997, c. 616, §1, is further amended to read:

2. Private purchasing alliance. "Private purchasing alliance" or "alliance" means a corporation licensed pursuant to this section established under Title 13-A or Title 13-B to provide health insurance to its members through ~~multiple unaffiliated~~ one or more participating carriers.

Sec. 2. 24-A MRSA §1954, sub-§2, as amended by PL 1997, c. 370, Pt. A, §§1 and 2, is further amended to read:

2. Enrollee choice. Ensure that enrollees have a choice among a reasonable number of competing carriers and types of health benefit plans ~~in accordance with the following.~~

~~A. In every portion of the alliance's service area, the alliance must offer at least 3 different carriers. When 3 participating carriers are not rea-~~

~~sonably available in some or all of the alliance's service area, the superintendent may waive this requirement in accordance with standards and procedures established by rule pursuant to this chapter.~~

Sec. 3. 24-A MRSA §2677-A, sub-§2, as enacted by PL 1999, c. 609, §14, is amended to read:

2. Benefit level. The benefit level differential between services rendered by preferred providers and nonpreferred providers may not exceed 20% of the allowable charge for the service rendered, except that the superintendent may waive this requirement for a given benefit plan. Compliance with this requirement for a given benefit plan may be demonstrated on an aggregate basis. This demonstration of compliance must be based on a reasonably anticipated mix of claims certified by a qualified actuary who is a member of the American Academy of Actuaries or a successor organization. As used in this subsection, "allowable charge" means the amount that would be payable for services under the preferred provider arrangement including deductible and coinsurance amounts.

See title page for effective date.

CHAPTER 370

H.P. 733 - L.D. 953

An Act Relating to Discovery Procedures under the Maine Unfair Trade Practices Act

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

Sec. 1. 5 MRSA §211, sub-§3, ¶B, as enacted by PL 1969, c. 577, §1, is amended to read:

B. Require the disclosure of any documentary material ~~which that~~ would be privileged, ~~or which contains trade secret information, or which that~~ for any other reason would not be required by a subpoena duces tecum issued by a court of this State.

Sec. 2. 5 MRSA §211, sub-§§4 to 8 are enacted to read:

4. Disclosure of documentary material. Documentary material demanded pursuant to this section must be produced for inspection, reproduction and copying during normal business hours at the principal office or place of business of the person served, in the county where that person resides or has a place of business, in Kennebec County if the person served is a nonresident or has no place of business

within the State or at such other times and places as may be agreed upon by the person served and the Attorney General. Any book, record, paper, memorandum or other information produced by any person pursuant to this section, unless otherwise ordered by a court of this State for good cause shown, may not be disclosed to any person other than the authorized agent or representative of the Attorney General unless with the consent of the person producing the same, except that such material or information may be disclosed by the Attorney General in court pleadings or other papers filed in court.

5. Motion for additional time, to modify or set aside or grant protective order. At any time prior to the date specified in the notice or within 21 days after the notice has been served, whichever period is shorter, the court upon motion for good cause shown may extend that reporting date or modify or set aside that demand or grant a protective order in accordance with the standards set forth in the Maine Rules of Civil Procedure, Rule 26(c). The motion may be filed in the Superior Court of the county in which the person served resides or has a usual place of business or in Kennebec County.

6. Information not to be used in criminal proceeding. A person is not excused from attending and testifying or from producing documentary material in compliance with this section on the ground or for the reason that the testimony or other information, documentary or otherwise, may tend to incriminate that person or subject that person to a penalty or forfeiture. Testimony and other information obtained under the authority of this section and information directly or indirectly derived from such testimony or other information may not be used against a natural person who has testified or produced information under oath in compliance with this section in any criminal case except a prosecution for perjury, giving a false statement or otherwise failing to comply with a notice served upon that person under this section.

7. Cost of court reporter. At the request of the person under investigation or that person's attorney, any testimony taken pursuant to a demand or notice under this section must be recorded on a recording device or taken before a court reporter authorized to serve as such under the laws of the State. Upon request of either party, all such testimony taken or recorded must be transcribed by an authorized court reporter, and in that case the original transcript of that testimony must be preserved by the Attorney General. The cost of the taking or recording and transcription must be paid by the State. In the event the Attorney General or some other party obtains judgment against the party whose testimony is taken for a violation of section 207, the cost of the court reporter or recording and transcription may be recovered by the State in such a judgment.

8. Authority not applicable in criminal proceedings. This section is not applicable to any criminal proceeding brought under the laws of this State.

Sec. 3. 5 MRSA §211, 2nd ¶, as amended by PL 1973, c. 648, is repealed.

Sec. 4. 5 MRSA §211, 3rd ¶, as amended by PL 1973, c. 334, is repealed.

Sec. 5. 5 MRSA §211, 4th ¶, as enacted by PL 1975, c. 529, is repealed.

See title page for effective date.

CHAPTER 371

H.P. 1276 - L.D. 1736

An Act to Amend Maine Credit Laws

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

Sec. 1. 9-A MRSA §1-201, sub-§1, ¶B, as amended by PL 1987, c. 129, §4, is further amended to read:

B. The creditor, wherever located, induces the consumer who is a resident of this State to enter into the transaction or open-end credit plan by face-to-face, mail ~~or~~, telephone or electronic mail solicitation in this State.

Sec. 2. 9-A MRSA §1-301, sub-§14, ¶B, as amended by PL 1987, c. 396, §7, is repealed and the following enacted in its place:

B. "Consumer loan" does not include:

(1) A sale or lease in which the seller or lessor allows the buyer or lessee to purchase or lease pursuant to a credit card other than a lender credit card.

Sec. 3. 9-A MRSA §1-301, sub-§38-A, ¶B, as enacted by PL 1997, c. 66, §3, is amended to read:

B. A person, other than an insurance company or other organization primarily engaged in an insurance business, that is subject to the supervision by an official or agency of a state or of the United States and is:

(1) Organized, chartered or holding an authorization certificate under the laws of a state or of the United States that ~~authorize~~ authorizes the person both to make loans and to receive deposits, including a savings, share, certificate or deposit account; ~~and or~~