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
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
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of a ~~question or~~ candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails and other similar types of general public political advertising and through flyers, handbills, bumper stickers and other nonperiodical publications, the communication must clearly and conspicuously state the name and address of the political action committee that authorized, made or financed the expenditure for the communication and that the communication has been authorized by the political action committee.

A person operating a broadcasting station within this State may not broadcast any such communication without an oral or visual announcement of the name and address of the political action committee that made or financed the expenditure for the communication and statement that reads: "A copy of our report is available from ~~and may be viewed at the office of~~ the Commission on Governmental Ethics and Election Practices."

An expenditure, communication or broadcast ~~which~~ that results in a violation of this section may result in a civil penalty of no more than ~~$100~~ $200. Enforcement and collection procedures ~~shall~~ must be in accordance with section 1062-A.

Sec. 10. 21-A MRSA §1056, sub-§1, as amended by IB 1995, c. 1, §16, is further amended to read:

1. Aggregate expenditures. ~~A committee may not make expenditures in support of or opposition to the candidacy of one person or to a political committee in an aggregate amount greater than $5,000 in any election. Beginning January 1, 1999, a~~ A committee may not make contributions in support of the candidacy of one person aggregating more than $500 in any election for a gubernatorial candidate, or $250 in any election for any other candidate.

See title page for effective date.

CHAPTER 431

S.P. 360 - L.D. 1198

An Act to Refine the Subdivision and Redistricting Authority of the Maine Land Use Regulation Commission

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

Sec. 1. 12 MRSA §682, sub-§2, as repealed and replaced by PL 1991, c. 687, §1, is repealed.

Sec. 2. 12 MRSA §682, sub-§2-A is enacted to read:

2-A. Subdivision. Except as provided in section 682-B, "subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of the land or by leasing.

The term "subdivision" also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period.

Sec. 3. 12 MRSA §682-B is enacted to read:

§682-B. Exemption from subdivision definition

A division accomplished by the following does not create a subdivision lot or lots unless the intent of the transfer is to avoid the objectives of this chapter.

1. Gifts to relatives. A division of land accomplished by gift to a spouse, parent, grandparent, child, grandchild or sibling of the donor of the lot or parcel does not create a subdivision lot if the donor has owned the lot or parcel for a continuous period of 5 years immediately preceding the division by gift and the lot or parcel is not further divided or transferred within 5 years from the date of division.

2. Transfer to governmental entity. A lot or parcel transferred to a municipality or county of the State, the State or an agency of the State is not considered a subdivision lot if the following conditions are met:

A. The lot or parcel is held by the governmental entity for the conservation and protection of natural resources, public outdoor recreation or other bona fide public purposes and is not further sold or divided for a period of 20 years following the date of transfer; and

B. At the time of transfer the transferee provides written notice to the commission of transfer of the lot or parcel, including certification that the lot or parcel qualifies for exemption under this subsection.

3. Transfer to conservation organization. A lot or parcel transferred to a nonprofit, tax-exempt nature conservation organization qualifying under the United States Internal Revenue Code, Section 501(c)(3) is not considered a subdivision lot if the following conditions are met:

A. For a period of at least 20 years following the transfer, the lot or parcel must be limited by deed restriction or conservation easement for the protection of wildlife habitat or ecologically sensitive areas or for public outdoor recreation; and

B. The lot or parcel is not further divided or transferred except to another qualifying nonprofit, tax-exempt nature conservation organization or governmental entity.

4. Transfer of lots for forest management, agricultural management or conservation of natural resources. A lot or parcel is not considered a subdivision lot if the following conditions are met:

A. The lot is transferred and managed solely for forest management, agricultural management or conservation of natural resources;

B. The lot is at least 40 acres in size;

C. If the lot is less than 1,000 acres in size, no portion of the lot is located within 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as defined in Title 38, section 436-A;

D. The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and

E. When 3 to 10 lots each containing at least 40 acres in size are created within any 5-year period, a plan is recorded in accordance with section 685-B, subsection 6-A. Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds or any structural development unrelated to forest management, agricultural management or conservation creates a subdivision and may not occur without prior commission approval.

5. Unauthorized subdivision lots in existence for at least 20 years. A lot or parcel that when sold or leased created a subdivision requiring a permit under this chapter is not considered a subdivision lot and is exempt from the permit requirement if the permit has not been obtained and the subdivision has been in existence for 20 or more years. A lot or parcel is considered a subdivision lot and is not exempt under this subsection if:

A. Approval of the subdivision under section 685-B was denied by the commission and record of the commission's decision was recorded in the appropriate registry of deeds;

B. A building permit for the lot or parcel was denied by the commission under section 685-B and record of the commission's decision was recorded in the appropriate registry of deeds;

C. The commission has filed a notice of violation of section 685-B with respect to the subdivision in the appropriate registry of deeds; or

D. The lot or parcel has been the subject of an enforcement action or order and record of that action or order was recorded in the appropriate registry of deeds.

6. Permit not required. Nothing in this section requires a permit for, or restricts the use of property for, hunting, fishing or other forms of primitive recreation, use of motorized vehicles on roads and trails or snowmobiling as otherwise permitted by law.

Sec. 4. 12 MRSA §685-B, sub-§6-A, ¶¶A and B, as enacted by PL 1991, c. 687, §2, are amended to read:

A. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1,320 feet from the normal high water line of any great pond or river and more than 250 feet from the upland edge of a coastal or freshwater wetland as defined in Title 38, section 436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the commission within 60 days of the creation of that lot. The plan must state that the lots may be used only for forest management, agricultural management or conservation of natural resources.

B. A register of deeds may not record any plan depicting these lots within the unorganized and deorganized lands of the State unless the commission's certification that the division qualifies under section ~~682, subsection 2, 3rd paragraph~~ 682-B is evidenced on the plan. The commission must determine whether the plan qualifies under section ~~682, subsection 2, 3rd paragraph~~ 682-B within 15 business days of receipt of the plan.

Sec. 5. 12 MRSA §685-B, sub-§6-B, as enacted by PL 1997, c. 335, §1, is repealed.

Sec. 6. 38 MRSA §480-Q, sub-§7-A, ¶D, as enacted by PL 1989, c. 838, §6, is amended to read:

D. Any road construction is not used to access development but is used primarily for forest management activities, unless the road is removed and the site restored to its prior natural condition. Roads must be the minimum feasible width and total length consistent with forest management activities. This exemption does not apply to roads that provide access to development in a subdivision as defined in Title 30-A, section 4401, subsection 4, for the organized portions of the State, or Title 12, section 682, subsection ~~2~~ 2-A, including divisions of land exempted by Title 12, section ~~682, subsection 2, paragraph A~~ 682-B, for portions of the State under the jurisdiction of the Maine Land Use Regulation Commission.

Sec. 7. Report. The Maine Land Use Regulation Commission shall review its subdivision review process, including ways to reduce processing time and cost and to increase predictability, and shall report its findings along with any suggested implementing legislation to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 31, 2001. The Joint Standing Committee on Agriculture, Conservation and Forestry may report out a bill during the Second Regular Session of the 120th Legislature implementing the recommendations in the report.

Sec. 8. Application. Nothing in this Act is intended or may be interpreted to require a person to obtain a permit pursuant to the Maine Revised Statutes, Title 12, section 685-B for any division of land occurring prior to the effective date of this Act if that division of land did not require such a permit prior to the effective date of this Act.

See title page for effective date.

CHAPTER 432

H.P. 765 - L.D. 984

An Act to Protect Nongroup and Small Group Insureds

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

Sec. 1. 24 MRSA §2317-B, sub-§7-A is enacted to read:

7-A. Title 24-A, sections 2735-A and 2839-A. Notice of rate filings and rate increases, Title 24-A, sections 2735-A and 2839-A;

Sec. 2. 24 MRSA §2321, sub-§4, ¶D, as enacted by PL 1997, c. 344, §6, is repealed.

Sec. 3. 24 MRSA §2321, sub-§5, ¶D, as enacted by PL 1997, c. 344, §6, is repealed.

Sec. 4. 24-A MRSA §2735-A is enacted to read:

§2735-A. Notice of rate filing and rate increase

1. Notice of rate filing or rate increase on existing policies. An insurer offering individual health plans as defined in section 2736-C must provide written notice by first class mail of a rate filing to all affected policyholders at least 60 days before the effective date of any proposed increase in premium rates or any proposed rating formula, classification of risks or modification of any formula or classification of risks. The notice must also inform policyholders of their right to request a hearing pursuant to section 229 or a special rate hearing pursuant to section 2736, subsection 4 or Title 24, section 2321, subsection 5. The notice must show the proposed rate and state that the rate is subject to regulatory approval. The superintendent may not take final action on a rate filing until 40 days after the date notice is mailed by an insurer. An increase in premium rates may not be implemented until 60 days after the notice is provided or until the effective date under section 2736, whichever is later.

2. Notice of rate increase on new business. When an insurer offering individual health plans as defined in section 2736-C quotes a rate for new business, it must disclose any rate increase that the insurer anticipates implementing within the following 90 days. If the quote is in writing, the disclosure must also be in writing. If the increase is pending approval at the time of notice, the disclosure must include the proposed rate and state that it is subject to regulatory approval. If disclosure required by this subsection is not provided, an increase may not be implemented until at least 90 days after the date the quote is provided or the effective date under section 2736, whichever is later.

Sec. 5. 24-A MRSA §2736, sub-§3, ¶C, as enacted by PL 1997, c. 344, §8, is repealed.

Sec. 6. 24-A MRSA §2736, sub-§4, ¶D, as enacted by PL 1997, c. 344, §8, is repealed.

Sec. 7. 24-A MRSA §2839-A is enacted to read:

§2839-A. Notice of rate increase

1. Notice of rate increase on existing policies. An insurer offering group health insurance, except for accidental injury, specified disease, hospital indemnity, disability income, Medicare supplement, long-term care or other limited benefit group health insurance, must provide written notice by first class mail of a rate increase to all affected policyholders or others who are directly billed for group coverage at least 60 days before the effective date of any increase in premium rates. An increase in premium rates may not be implemented until 60 days after the notice is provided.

2. Notice of rate increase on new business. When an insurer offering group health insurance, except for accidental injury, specified disease, hospital indemnity, disability income, Medicare supplement, long-term care or other limited benefit group health insurance, quotes a rate for new business, it must disclose any rate increase that the insurer anticipates implementing within the following 90 days. If the quote is in writing, the disclosure must also be in writing. If such disclosure is not provided, an increase