

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

and to provide a center for homeless teenagers in the Portland Area?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay, and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 675

H.P. 1647 - L.D. 2153

An Act to Amend the Freedom of Access Laws to Protect Security Plans, Security Procedures and Risk Assessments

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

Sec. 1. 1 MRSA §402, sub-§3, ¶J, as amended by PL 1999, c. 96, §2, is further amended to read:

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed by a member or in a public meeting of the advisory organization; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶K, as enacted by PL 1999, c. 96, §3, is amended to read:

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or non-mandatory educational programs or services, if the municipality has enacted an ordinance that specifies the circumstances in which the information will be withheld from disclosure. This paragraph does not apply to records governed by

Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; ~~and~~

Sec. 3. 1 MRSA §402, sub-§3, ¶L is enacted to read:

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.

See title page for effective date.

CHAPTER 676

H.P. 1723 - L.D. 2211

An Act to Include a Woman Veteran on the Board of Trustees of the Maine Veterans' Homes

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

Sec. 1. 37-B MRSA §603, as amended by PL 1997, c. 455, §30, is further amended to read:

§603. Board of trustees

The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, as authorized by Title 5, section 12004-G, subsection 34. The board consists of ~~10~~ 11 members, one of whom must be the Director of the Bureau of Maine Veterans' Services, ex officio, who ~~shall serve~~ serves without term. The Governor shall appoint the remaining trustees, who must be honorably discharged war veterans. One member must be a woman. One member must be appointed from and represent each of the largest veterans' organizations, not exceeding 5, that are nationally chartered and have a department in Maine. The remaining members must be appointed at large and ~~shall~~ serve staggered 3-year terms. The membership must be distributed across the State so

that ~~3~~ approximately 1/3 reside in the southern part of the State, ~~3~~ approximately 1/3 in the central part and ~~3~~ approximately 1/3 in the northern part. In the event of a vacancy, a successor must be appointed to complete ~~the~~ a member's unexpired term. Each trustee continues to hold office until a successor is appointed and qualified.

Sec. 2. 37-B MRSA §604, sub-§2, as enacted by PL 1983, c. 460, §3, is amended to read:

2. Meetings. The board shall meet at least 6 times annually. ~~Five~~ Six members ~~shall~~ constitute a quorum.

See title page for effective date.

CHAPTER 677

H.P. 1324 - L.D. 1784

An Act to Address the Health Coverage Crisis for Maine's Small Businesses and Self-employed Persons

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

Sec. 1. 22 MRSA c. 854 is enacted to read:

CHAPTER 854

MAINE SMALL BUSINESS HEALTH COVERAGE PLAN

§3161. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Administrator. "Administrator" means any person who, on behalf of the board, receives or collects charges, contributions or premiums for, or adjusts or settles claims on residents of this State in connection with, any type of health benefit provided under the plan as an alternative to insurance as described in by Title 24-A, sections 702 to 704, other than any person listed in Title 24-A, section 1901, subsection 1, paragraphs A to O.

2. Board. "Board" means the board of directors of the Maine Small Business Health Coverage Plan.

3. Charges. "Charges" means any compensation paid by the board for services performed by the administrator.

4. Contribution. "Contribution" means the value of the funds that have been provided or are to be applied by a small employer to fund the plan including any money charged an eligible employer to provide for stop loss or excess insurance coverage to the plan. Contributions include any fees charged to an enrollee for participation in the plan.

5. Eligible employee. "Eligible employee" or "employee" means an individual who:

A. Meets the definition set forth in Title 24-A, section 2808-B, subsection 1, paragraph C;

B. Is self-employed as described in subsection 9, paragraph C; or

C. Is a sole employee of a nonprofit organization that has been determined by the Internal Revenue Service to be exempt from taxation under 26 Internal Revenue Service Code, Section 501(c)(3), (4) or (6) who has a normal work week of at least 20 hours and is not covered under a public or private plan for health insurance or other health benefit arrangement.

6. Enrollee. "Enrollee" means an individual who is enrolled in the plan.

7. Loss ratio. "Loss ratio" means the ratio between the amount of contributions received and the amount of claims paid by the administrator under the plan.

8. Plan. "Plan" means the Maine Small Business Health Coverage Plan established by this chapter.

9. Small employer. "Small employer" or "employer" means a person that:

A. On at least 50% of its working days during the preceding calendar quarter, employed at least 2 but not more than 50 eligible employees, the majority of whom are employed in the State;

B. If an employer was not in existence throughout the preceding calendar year, on at least 50% of the working days during its first year employed at least 2 but not more than 50 eligible employees, the majority of whom are employed in this State;

C. Is a self-employed individual who:

(1) Works and resides in the State; and

(2) Is organized as a sole proprietorship or in any other legally recognized manner that a self-employed individual may organize, a substantial part of whose income derives from a trade or business through which the individual has attempted to earn taxable in-