

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

and pay the return premiums to the insured or apply the return premiums to outstanding balances of any insured within 30 days from the date of receipt. The date of receipt is the date the money is actually received or the date the credit is posted by the insurer, health maintenance organization, fraternal benefit society or nonprofit hospital or medical service organization to the licensee's account.

2. Premiums; accounting and payment to an insurer. The licensee shall promptly account for and pay premiums to the insurer, health maintenance organization, fraternal benefit society or nonprofit hospital or medical service organization in accordance with the contract between the insurer, health maintenance organization, fraternal benefit society or nonprofit hospital or medical service organization and the licensee.

See title page for effective date.

CHAPTER 36

H.P. 130 - L.D. 171

An Act To Clarify the Authority of the Superintendent of Financial Institutions Regarding a Credit Union's Conversion of Its Field of Membership

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

Sec. 1. 9-B MRSA §814, sub-§1, ¶A, as enacted by PL 1995, c. 101, §2, is amended to read:

A. When determining whether a credit union's proposed field of membership meets the requirements of this section, the superintendent shall consider all relevant guidelines established by the National Credit Union Administration that address the issues of common bond, overlapping fields of membership, expansions or conversions of field of membership and the documentation required for amending a field of membership, except that the superintendent is not required to adhere to those guidelines.

Sec. 2. 9-B MRSA §814, sub-§1, ¶A-1 is enacted to read:

A-1. Notwithstanding any federal law or guideline established by the National Credit Union Administration, the superintendent is authorized to permit a credit union that converts its field of membership to become a community-chartered credit union to retain in its field of membership, after such conversion, one or more groups or portions of groups that were included in the

credit union's field of membership prior to the conversion. The superintendent may adopt rules in accordance with section 251 to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 37

H.P. 357 - L.D. 465

An Act To Make Transportation More Affordable for Low-income Families

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

Sec. 1. 5 MRSA §1813, sub-§6, as amended by PL 2001, c. 529, §1, is further amended to read:

6. Surplus property. Providing for transfer of supplies, materials and equipment that are surplus from one state department or agency to another that may need them, and for the disposal by private and public sale of supplies, materials and equipment that are obsolete and unusable. Political subdivisions, educational institutions, fire departments or qualifying nonprofit organizations, as defined in section 1813-A, must be given an opportunity to purchase the surplus items through private sale. If 2 or more political subdivisions, educational institutions, fire departments or qualifying nonprofit organizations are interested in any item, the sale must be the result of competitive bid. Any equipment so purchased must be retained for a period of at least one year in a current ongoing program. Any item purchased by a political subdivision, educational institution, fire department or qualifying nonprofit organization under this section may not be sold or transferred by that political subdivision, educational institution, fire department or qualifying nonprofit organization for a period of 6 months from the date of the private sale ~~and the,~~ except that a qualifying nonprofit organization that contracts with the Department of Human Services to provide vehicles to low-income families may resell a passenger vehicle or light truck purchased in the private sale to a low-income family to assist it in participating in work, education or training pursuant to the qualifying nonprofit organization's contract with the Department of Human Services. The State reserves the right to refuse to sell additional equipment to a political subdivision, educational institution, fire department or qualifying nonprofit organization if it is determined that the political subdivision, educational institution, fire department or qualifying nonprofit

organization has not retained the equipment for the required period of 6 months;

Sec. 2. 5 MRSA §1813-A, sub-§1, ¶C, as enacted by PL 1991, c. 418, §3, is amended to read:

C. "Qualifying nonprofit organization" means a public or private nonprofit entity that owns or operates a project or facility for the homeless or; a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501 (c) and that provides services to persons with physical or mental handicaps as defined in section 4553, subsection 7-A; or a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c) and that contracts with the Department of Human Services to provide vehicles to low-income families to assist them in participating in work, education or training.

Sec. 3. 5 MRSA §1813-A, sub-§2, as corrected by RR 2001, c. 2, Pt. A, §7, is amended to read:

2. Surplus property. Pursuant to this chapter and rules adopted under section 1813, the Department of Administrative and Financial Services through the Bureau of General Services shall allow private sales of surplus property to nonprofit organizations that contract with the Department of Human Services to provide affordable vehicles to low-income families to assist them in participating in work, education or training; to homeless shelter sponsors; and to educational institutions.

See title page for effective date.

CHAPTER 38

H.P. 72 - L.D. 64

An Act to Reduce Workers' Compensation Costs for Self-insured Public Utilities

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

Sec. 1. 39-A MRSA §403, sub-§8, ¶A, as repealed and replaced by PL 2001, c. 224, §1, is amended by enacting a new subparagraph (3-A) to read:

(3-A) An individual self-insurer that is a transmission and distribution utility as defined in Title 35-A, section 102, subsection 20-B with an investment grade credit rating

may reduce its required security level by up to \$10,000,000, as long as:

(a) The self-insured transmission and distribution utility has a tangible net worth equal to or in excess of \$200,000,000;

(b) The self-insured transmission and distribution utility has had positive net earnings demonstrated by certified statements of financial condition audited by a certified public accountant for at least 3 of the 5 latest fiscal years, including one of the 2 most recent years, and its mean annual earnings for the 5 latest fiscal years are at least equal to the normal annual premium for the prospective fiscal coverage period, or it was eligible to make an alternative election, under Statement of Financial Accounting Standard No. 106, Employers' Accounting for Postretirement Benefits Other Than Pensions, that would have otherwise satisfied these earnings requirements;

(c) The self-insured transmission and distribution utility has credit facility equal to or in excess of twice its outstanding workers' compensation liabilities; and

(d) The reduction does not exceed \$10,000,000 and does not reduce the minimum required security level below \$100,000.

See title page for effective date.

CHAPTER 39

H.P. 537 - L.D. 731

An Act Regarding Case Management Officers

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

Sec. 1. 4 MRSA §183, sub-§1, ¶¶D and E, as enacted by PL 1997, c. 269, §1 and affected by §2, are amended to read:

D. Family case management officers shall employ appropriate case management techniques and have jurisdiction to hear and dispose of the following matters: