

# 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 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**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**

**5. Revocation or suspension of permit.** Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners is cause for revocation or suspension of the permit by the same authority that issued the permit. A permit may not be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard, automobile recycling business or junkyard. Notice of hearing must be sent to the owner or operator by registered mail at least 7 but not more than 14 days before the hearing. The notice must state the time and the place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit.

**6. Removal of all materials after permit denial or revocation.** The owner or operator of a junkyard, automobile graveyard or automobile recycling business for which a permit has been denied or revoked shall, not later than 90 days after all appeals have been denied, begin the removal of all vehicles, vehicle parts and materials associated with the operation of that junkyard, automobile graveyard or automobile recycling business. The property must be free of all scrapped or junked vehicles and materials not later than 180 days after denial of all appeals. An alternative schedule for removal of junk or vehicles may be employed if specifically approved by the municipal officers or county commissioners.

**Sec. 15. 30-A MRSA §3759,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 16. 30-A MRSA §3760, sub-§1,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Acquisition of land.** If the Department of Transportation determines that the topography of the land adjacent to any portion of a highway incorporated in the Interstate or Primary Systems ~~will~~ does not permit adequate screening, ~~as required in sections 3751 to 3760, under section 3754-A, subsection 1~~ or that adequate screening ~~would~~ is not ~~be~~ economically feasible, it may acquire by gift, purchase or condemnation any interests in property that are necessary to secure the relocation, removal or disposal of the automobile graveyards or junkyards.

See title page for effective date.

## CHAPTER 313

H.P. 776 - L.D. 1058

### An Act To Extend Public Record Requirements of Nongroup Health Insurance Rate Filings to All Health Insurance Rate Filings

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

**Sec. 1. 24-A MRSA §2808-B, sub-§2, ¶A,** as enacted by PL 1991, c. 861, §2, is amended to read:

A. A carrier issuing a small group health plan after the effective date of this section must file the carrier's community rate and any formulas and factors used to adjust that rate with the superintendent for informational purposes prior to issuance of any small group health plan. All filings must meet the requirements of paragraph G.

**Sec. 2. 24-A MRSA §2808-B, sub-§2, ¶G** is enacted to read:

G. Every rate filing made by a carrier must state the effective date of the filing. Every such filing must be made not less than 60 days in advance of the stated effective date unless the 60-day requirement is waived by the superintendent, and the effective date may be suspended by the superintendent for a period of time not to exceed 30 days. A rate filing and all supporting information are public records except as provided by Title 1, section 402, subsection 3. When a rate filing under this paragraph is not accompanied by the information upon which the insurer supports the filing, the superintendent shall require the insurer to furnish the information upon which it supports the filing. Notwithstanding this paragraph, rates for group Medicare supplement, nursing home care or long-term care insurance contracts must be filed in accordance with section 2736.

See title page for effective date.

## CHAPTER 314

H.P. 619 - L.D. 842

### An Act Relating to Portable Classrooms for Certain Cases

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

**Sec. 1. 20-A MRSA §15603, sub-§8, ¶B,** as amended by PL 1997, c. 787, §6, is further amended to read:

B. Lease costs for school buildings when the leases, including leases under which the school administrative unit may apply the lease payments to the purchase of portable, temporary classroom space beginning January 1, 1988, have been approved by the commissioner for the year prior to the year of allocation. Beginning July 1, 1998 lease cost includes:

(1) Administrative space. A school administrative unit may lease administrative space with state support until July 1, 2003. A school administrative unit engaged in a lease-purchase agreement for administrative space is eligible for state support until July 1, 2008;

(2) Temporary interim nonadministrative space.

(a) A school administrative unit with state-approved need for nonadministrative space may lease temporary interim space, with state support, for a maximum of 5 years. A school administrative unit that has a major capital improvement application or a school revolving renovation fund application on file with the department that is not rated high enough by the department using the department's rating scale compared to other school administrative units to obtain funding to correct problems with its facilities may appeal to the state board if the limitation in this division presents an undue burden. The board's decision is final. In making a determination on a school administrative unit's request for relief based on undue burden, the state board must consider, but is not limited to considering, the following:

- (i) Fiscal capacity;
- (ii) Enrollment demographics;  
and
- (iii) Any unforeseen circumstances not within the control of the school administrative unit.

The state board's decision is final.

(b) A school administrative unit engaged in a lease-purchase agreement for temporary interim nonadministra-

tive space is eligible for state support for a maximum of 10 years; and

(3) Permanent small nonadministrative space that replaces or is converted from existing approved leased portable space. The existing leased portable space will be eligible for state support until July 1, 2003. Once an existing leased portable space has been converted into a permanent nonadministrative space through an approved lease-purchase agreement, such space is eligible for state support for a maximum of 10 years.

The Department of Education shall adopt rules necessary to implement this paragraph. Rules adopted by the Department of Education to implement this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter H-A 2-A;

See title page for effective date.

---

## CHAPTER 315

### H.P. 629 - L.D. 852

#### An Act To Promote Alternatives in Group Self-insurance

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

**Sec. 1. 39-A MRSA §403, sub-§4,** as amended by PL 1997, c. 126, §8, is further amended to read:

**4. Group self-insurers; application.** Except for the provision relating to individual public employer self-insurers, subsection 3 is equally applicable in all respects to group self-insurers. Any employer or group of employers desiring to become a self-insurer shall submit to the Superintendent of Insurance with an application for self-insurance, in a form prescribed by the superintendent, the following:

A. A payroll report for each participating employer of the group for the 3 preceding annual fiscal periods;

B. A report of compensation losses incurred, payments plus reserves, by each participating employer of the group for the periods described in paragraph A;

C. A sworn itemized statement of the group's assets and liabilities; satisfactory proof of financial ability to pay compensation for the employers participating in the group plan; and the