

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

deceptive or misleading or that uses the name of a financial institution without that financial institution's express written permission unless the person discloses that the person does not have permission to use the financial institution's name and the person discloses that the person is not affiliated with the financial institution.

See title page for effective date.

CHAPTER 47

S.P. 242 - L.D. 744

An Act To Make Technical Changes to the Laws Establishing the Lincoln and Sagadahoc Multicounty Jail Authority

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period to allow the Lincoln and Sagadahoc Multicounty Jail Authority to issue bonds in a timely fashion; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30-A MRSA §1851, sub-§4 is enacted to read:

4. Establishment. The Lincoln and Sagadahoc Multicounty Jail Authority is established as a public body corporate and politic and a public instrumentality of the counties, and the exercise by the authority of the powers conferred by this chapter must be deemed and held to be the performance of essential governmental functions.

Sec. 2. 30-A MRSA §1910 is enacted to read:

§1910. Liability

The liability of the jail authority is governed by Title 14, chapter 741. A member of the jail authority, a member of a board of the jail authority and an employee of the jail authority are not subject to any personal liability for having acted in the service of their duty within the course and scope of membership

or employment to carry out a power or duty under this chapter.

Sec. 3. Retroactivity. Those sections of this Act that enact the Maine Revised Statutes, Title 30-A, section 1851, subsection 4 and section 1910 apply retroactively to December 8, 2003.

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

Effective April 8, 2005.

CHAPTER 48

H.P. 189 - L.D. 250

An Act To Make Technical Corrections to Maine's Appellate Jurisdiction Laws Concerning Involuntary Hospitalization

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

Sec. 1. 4 MRSA §105, sub-§3, as enacted by PL 1999, c. 731, Pt. ZZZ, §3 and affected by §42, is amended to read:

3. Appellate jurisdiction. The Superior Court shall hear appeals as follows:

A. Administrative appeals brought pursuant to Title 5, chapter 375, subchapter ~~VII~~ 7 and the Maine Rules of Civil Procedure, Rules 80B and 80C; and

B. Appeals from the District Court:

(1) Brought pursuant to Title 14, section 6008;

(2) Brought pursuant to Title 14, chapter 738; ~~and~~

(3) As provided in Title 15, section 1-; and

(4) Brought pursuant to Title 34-B, section 3864, subsection 11.

Sec. 2. 14 MRSA §1901, sub-§3, as enacted by PL 1999, c. 731, Pt. ZZZ, §7 and affected by §42, is amended to read:

3. Exceptions. An appeal from the District Court is to the Superior Court in the case of:

A. An appeal in a forcible entry and detainer case, pursuant to section 6008 and the Maine Rules of Civil Procedure, Rule 80D(f); ~~and~~

B. An appeal in a small claims case brought pursuant to chapter 738 and the Maine Rules of Civil Procedure, Rule 80L-; and

C. An appeal of an involuntary hospitalization brought pursuant to Title 34-B, section 3864, subsection 11.

See title page for effective date.

CHAPTER 49

H.P. 177 - L.D. 238

An Act To Amend the Insurance Code Regarding Discontinuance of a Line of Business

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

Sec. 1. 24-A MRSA §2916-C, as enacted by PL 1995, c. 544, §9, is amended to read:

§2916-C. Discontinuance of a line of business

If an insurer files a plan with the superintendent to discontinue business in a line of insurance subject to this subchapter, the superintendent may authorize the nonrenewal of policies in that line of business if the plan filed by the insurer demonstrates the availability of ~~equivalent replacement policies for all policyholders at the same or lower rates~~ substantially similar coverage in the admitted market. The nonrenewal of a policyholder pursuant to this section may not be considered by an insurer in future coverage determinations. An insurer may resume transacting business in a line of insurance discontinued pursuant to this section upon written notification to the superintendent.

Sec. 2. 24-A MRSA §3055-A, as enacted by PL 1995, c. 544, §10, is amended to read:

§3055-A. Discontinuance of a line of business

If an insurer files a plan with the superintendent to discontinue business in a line of insurance subject to this subchapter, the superintendent may authorize the nonrenewal of policies in that line of business if the plan filed by the insurer demonstrates the availability of ~~equivalent replacement policies for all policyholders at the same or lower rates~~ substantially similar coverage in the admitted market. The nonrenewal of a policyholder pursuant to this section may not be considered by an insurer in future coverage determinations. An insurer may resume transacting business in a line of insurance discontinued pursuant to this section upon written notification to the superintendent.

See title page for effective date.

CHAPTER 50

H.P. 176 - L.D. 237

An Act To Establish a Minimum Amount for Required Interest Payments by Insurers

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

Sec. 1. 24-A MRSA §2436, sub-§3, as amended by PL 2003, c. 218, §4, is further amended to read:

3. If an insurer fails to pay an undisputed claim or any undisputed part of the claim when due, the amount of the overdue claim or part of the claim bears interest at the rate of 1 1/2% per month after the due date. Notwithstanding this subsection, the superintendent ~~may~~ shall adopt rules that establish a minimum amount of interest payable on an overdue undisputed claim to a health care provider before a payment must be issued. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 51

H.P. 399 - L.D. 523

An Act Authorizing the Public Utilities Commission To Designate a Sole Provider of 2-1-1 Information and Referral Services in Maine

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, on July 21, 2000 the Federal Communications Commission determined that there was sufficient public benefit to justify the use of a scarce public resource to assign 2-1-1 to be used for access to community information and referral services; and

Whereas, the Legislature finds that the implementation of a single, easy-to-use telephone number, 2-1-1, for public access to information and referral for health and human services and disaster-related information will benefit the citizens of this State by providing easier access to available health and human services, by reducing inefficiencies in connecting people with the desired service providers and by reducing duplication of effort; and

Whereas, the Legislature further finds that there is currently no entity authorized to provide