

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

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

information and referral services in Maine using the FCC-reserved 2-1-1 telephone number; and

Whereas, the Public Utilities Commission has determined that it has no jurisdiction to designate an information and referral service provider entitled to use the 2-1-1 telephone number in this State; 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. 35-A MRSA §7108 is enacted to read:

§7108. Use of 2-1-1 number; designation of sole entity entitled to use

The commission may designate an appropriate entity to be the sole entity entitled to use the 2-1-1 telephone number assigned by the Federal Communications Commission to be used for access to information and referral services. A designation may not extend for more than 3 years but may be renewed by the commission, after review, for successive periods of up to 3 years each. There is no limit on the number of times the commission may renew a designation of the same entity pursuant to this section. Before making a designation or renewing a designation, the commission shall determine that the designation or renewal is in the public interest. The commission may consult with appropriate state and local agencies and other public or private entities before granting a designation or renewing a designation. The commission may suspend, revoke, terminate or modify a designation if the commission determines the public interest is no longer served by the designation or in response to actions by the Federal Communications Commission that affect the availability or assigned use of the 2-1-1 number.

Sec. 2. Initial designation of 2-1-1 service provider. Within 60 days of the effective date of this act or the receipt by the Public Utilities Commission of a request from an entity for a designation pursuant to the Maine Revised Statutes, Title 35-A, section 7108, whichever is later, the commission shall make a designation pursuant to that section, provided the commission determines that the designation satisfies the requirements of that section.

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

Effective April 20, 2005.

CHAPTER 52

S.P. 20 - L.D. 40

An Act To Amend the Licensing and Certification Requirements Relating to Asbestos Abatement Activities

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

Sec. 1. 38 MRSA §1273, sub-§4, as amended by PL 1991, c. 473, §12, is further amended to read:

4. Exemption. ~~Persons undertaking asbestos abatement activities in single unit residential buildings are exempt from the licensing and certification requirements of this section if the activities are limited to heating equipment and performed by persons licensed by the Oil and Solid Fuel Board under Title 32, chapter 33, to install, repair, remove or service heating equipment. Asbestos abatement activities related to disposal undertaken at licensed asbestos disposal sites are exempt from the requirements of this section.~~

Sec. 2. 38 MRSA §1281, as enacted by PL 1987, c. 448, §1-C, is amended to read:

§1281. Emergency provisions

In an emergency that results from a sudden, unexpected event that is not a planned asbestos abatement project, including the emergency repair, installation, removal or servicing of heating equipment in single-unit residential buildings by persons licensed by the Oil and Solid Fuel Board under Title 32, chapter 33, the commissioner may waive the requirements for a license or certificate under this chapter. For the purposes of this section, emergency includes a sudden unexpected event that, if not immediately attended to, presents a safety or health hazard; operations necessitated by nonroutine failures of equipment or by to protect equipment from damage; and actions of fire and emergency medical personnel pursuant to duties within their official capacities. Any person who performs an asbestos abatement activity, which activity would normally require notification pursuant to section 1273, ~~subsections~~ subsection 2 and 3, under emergency conditions, shall notify the commissioner by phone within one working day and in writing within 3 days after performance of that activity.

See title page for effective date.