

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 TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

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

Penmor Lithographers

Lewiston, Maine

2006

sation Act of 1992. The Workers' Compensation Board may not assess the association penalties for the acts or omissions of insolvent insurers.

Sec. 3. 39-A MRSA §153, sub-§9, as amended by PL 1999, c. 354, §2, is further amended to read:

9. Audit and enforcement. The executive director shall establish an audit, enforcement and monitoring program by July 1, 1998, to ensure that all obligations under this Act are met, including the requirements of section 359. The functions of the audit and enforcement program include, but are not limited to, auditing timeliness of payments and claims handling practices of insurers, self-insurers, the Maine Insurance Guaranty Association and 3rd-party administrators; determining whether insurers, self-insurers, the Maine Insurance Guaranty Association and 3rd-party administrators are unreasonably contesting claims; and ensuring that all reporting requirements to the board are met. When auditing the Maine Insurance Guaranty Association, the program shall consider when the Maine Insurance Guaranty Association obtained the records of an insolvent insurer. The program must be coordinated with the abuse investigation unit established by section 153, subsection 5 as appropriate. The program must monitor activity and conduct audits pursuant to a schedule developed by the deputy director of benefits administration. Audit working papers are confidential and may not be disclosed to any person outside of the board except the audited entity. For purposes of this subsection "audit working papers" means all documentary and other information acquired, prepared or maintained by the board during the conduct of an audit or investigation, including all intra-agency and interagency communications relating to an audit or investigation and draft reports or any portion of a draft report. The final audit report, including the underlying reconciled information, is not confidential. At the end of each calendar quarter, the executive director shall prepare a compliance report summarizing the results of the audits and reviews conducted pursuant to this subsection. The executive director shall submit the quarterly compliance reports to the board, the Bureau of Insurance and the Director of the Bureau of Labor Standards within the Department of Labor. An annual summary must be provided to the Governor and to the joint standing committees of the Legislature having jurisdiction over labor and banking and insurance matters by February 15th of each year. The quarterly compliance reports and the annual summaries must be made available to the public following distribution.

Sec. 4. 39-A MRSA §359, sub-§1, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

1. Audits. The board shall audit claims, including insurer, self-insurer, Maine Insurance Guaranty Association and 3rd-party administrator claim files, on an ongoing basis to determine whether insurers, self-insured employers, the Maine Insurance Guaranty Association and 3rd-party administrators have met their obligations under this Act and to identify the disputes that arose, the reasons for the disputes, the method and manner of their resolution, the costs incurred, the reasons for attorney involvement and the services rendered by the attorneys.

If as a result of an examination and after providing the opportunity for a hearing the board determines that any compensation, interest, penalty or other obligation is due and unpaid to an employee, dependent or service provider, the board shall issue a notice of assessment detailing the amounts due and unpaid in each case and shall order the amounts paid to the unpaid party or parties.

See title page for effective date.

CHAPTER 604

H.P. 1469 - L.D. 2076

An Act Relating to Payday Loans

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

Sec. 1. 9-A MRSA §1-201, sub-§1, as amended by PL 2001, c. 371, §1, is further amended to read:

1. Except as otherwise provided in this section, this Act applies to consumer credit transactions and open-end credit plans made or entered into in this State. For purposes of this Act, a consumer credit transaction or open-end credit plan is made or entered into in this State if:

A. A signed writing evidencing the obligation or offer of the consumer is received by the creditor in this State; ~~or~~

B. The creditor, wherever located, induces the consumer who is a resident of this State to enter into the transaction or open-end credit plan by face-to-face, mail, telephone or electronic mail solicitation in this State; or

C. With respect to a payday loan, the lender, wherever located, enters into a payday loan transaction with a consumer who is located in this State.

Sec. 2. 9-A MRSA §1-301, sub-§28-A is enacted to read:

28-A. "Payday loan" means a supervised loan or other credit transaction in which a cash advance is made to a consumer in exchange for the consumer's personal check or in exchange for the consumer's authorization to debit the consumer's deposit account and when the parties agree either that the check will not be cashed or deposited or that the consumer's deposit account will not be debited until a designated future date.

See title page for effective date.

CHAPTER 605

H.P. 1495 - L.D. 2105

An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding the Telecommunications Relay Services Advisory Council Pursuant to Reviews Conducted under the State Government Evaluation Act

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

Sec. 1. 3 MRSA §959, sub-§1, ¶E, as amended by PL 2003, c. 600, §1, is further amended to read:

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

- ~~(1) Telecommunications Relay Services Advisory Council in 2005;~~
- (2) Department of Education in 2005;
- (2-A) State Board of Education in 2005;
- (3) Maine Arts Commission in 2007;
- (5) Maine Historic Preservation Commission in 2007;
- (5-A) Notwithstanding section 952, Maine Historical Society in 2007;
- (6) Maine Library Commission in 2007;
- (6-A) Maine State Cultural Affairs Council in 2007;
- (6-B) Maine State Library in 2007;
- (6-C) Maine State Museum in 2007;

- (7) Maine State Museum Commission in 2007;
- (8) Office of State Historian in 2007;
- (9) Board of Trustees of the Maine Maritime Academy in 2009;
- (10) Board of Trustees of the University of Maine System in 2009;
- (12) Maine Community College System in 2009;
- (13) Maine Health and Higher Educational Facilities Authority in 2011; and
- (14) Maine Educational Loan Authority in 2011.

Sec. 2. 3 MRSA §959, sub-§1, ¶P, as amended by PL 2003, c. 600, §1, is further amended to read:

P. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall use the following list as a guideline for scheduling reviews:

- (1) Public Advocate in 2005;
- (2) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency in 2007;
- (3) Public Utilities Commission in 2007; ~~and~~
- (4) The Emergency Services Communication Bureau within the ~~Department of Public Safety~~ Public Utilities Commission in 2009; ~~and~~
- (5) Telecommunications Relay Services Advisory Council in 2013.

Sec. 3. 5 MRSA §12004-G, sub-§30-C is enacted to read:

<u>30-C.</u>	<u>Telecommuni-</u>	<u>Not</u>	<u>35-A</u>
<u>Public</u>	<u>cations Relay</u>	<u>Authorized</u>	<u>MRSA</u>
<u>Utilities</u>	<u>Services</u>		<u>§8704</u>
	<u>Advisory</u>		
	<u>Council</u>		

Sec. 4. 5 MRSA §12004-I, sub-§74-A-1, as enacted by PL 1989, c. 851, §2, is repealed.

Sec. 5. 35-A MRSA §8704, first ¶, as enacted by PL 1989, c. 851, §7, is amended to read:

The Telecommunications Relay Services Advisory Council, as established by Title 5, section