

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

**CHAPTER 10
S.P. 55 - L.D. 169**

**An Act To Allow a Newly
Licensed Driver To Transport
a Foreign Exchange Student
Who Lives with That Driver's
Family**

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

Whereas, families have exchange students living with them and attending school with family members; and

Whereas, due to the way the law is written now, the exchange student is not allowed to ride in a vehicle with a person that is under 18 years of age; and

Whereas, this causes a hardship for the families; 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. 29-A MRSA §1311, sub-§1, ¶A, as enacted by PL 2003, c. 286, §4, is amended to read:

- A. Carry passengers other than immediate family members unless accompanied by a licensed operator who meets the requirements of section 1304, subsection 1, paragraph E. For the purpose of this paragraph, "immediate family member" includes a foreign exchange student that is living with the immediate family;

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

Effective March 23, 2009.

**CHAPTER 11
S.P. 23 - L.D. 64**

**An Act To Amend the
Requirements for the Livable
Wage Report**

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

Sec. 1. 26 MRSA §1405, sub-§1, as enacted by PL 2007, c. 363, §2, is amended to read:

1. Calculation. By ~~December 31, 2007~~ July 31, 2009 and ~~annually~~ biennially thereafter, the department shall calculate livable wages for households in the State's counties and metropolitan statistical areas by family size and as statewide averages by developing an annual basic needs budget for the following family sizes:

- A. Single person;
- B. Single parent and one child;
- C. Single parent and 2 children;
- D. Two parents, with one earner and 2 children; and
- E. Two parents, with 2 earners and 2 children.

By ~~January 30, 2008~~ December 31, 2009 and ~~annually~~ biennially thereafter, the department shall report the livable wages calculated pursuant to this subsection to the Legislature.

See title page for effective date.

**CHAPTER 12
H.P. 128 - L.D. 149**

**An Act To Amend the Laws
Relating to the Maine Jobs
Council**

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

Sec. 1. 26 MRSA §2006, sub-§2, ¶A, as amended by PL 2003, c. 114, §10, is repealed.

Sec. 2. 26 MRSA §2006, sub-§5-B, ¶A, as enacted by PL 1997, c. 683, Pt. D, §9, is amended to read:

- A. The committee shall:
 - (1) Advise, consult and assist the executive and legislative branches of State Government on activities of State Government that affect the employment of disabled individuals. The committee is solely advisory in nature. The committee may advise regarding state and federal plans and proposed budgetary, legislative or policy actions affecting disabled individuals;
 - (2) Serve as an advocate on behalf of disabled citizens promoting and assisting activities designed to further equal opportunity for people with disabilities;
 - (3) Conduct educational programs considered necessary to promote public understand-

ing of the needs and abilities of disabled citizens of this State;

(4) Provide information, training and technical assistance to promote greater employer acceptance of disabled workers;

(5) Advise and assist employers and other organizations interested in developing employment opportunities for disabled people; and

(6) ~~Inform Work with state and local government officials, organizations representing persons with disabilities and the business community to inform~~ the public of the benefits of making ~~buildings facilities and services~~ accessible to and usable by individuals with disabilities; monitor the enforcement of state and federal laws regarding ~~architectural~~ accessibility; and advise and assist building owners by disseminating information about accessibility and by making technical assistance available when appropriate.

~~(a) A wheelchair symbol must be appropriately displayed to identify buildings with facilities that are accessible to disabled and elderly individuals; accessibility is determined by the committee.~~

~~(b) The symbol required in division (a) must be that adopted by the Rehabilitation International's World Congress in 1969.~~

~~(c) Application for display of the wheelchair symbol must be made by the committee, which shall obtain and keep on file a supply of symbols.~~

See title page for effective date.

CHAPTER 13

H.P. 136 - L.D. 157

An Act To Enhance Oversight of Fraternal Benefit Societies

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

Sec. 1. 24-A MRSA §12-A, sub-§4, as enacted by PL 1989, c. 269, §3, is amended to read:

4. Refunds of overcharges. In the event that any insurer, fraternal benefit society, nonprofit hospital service plan, nonprofit medical service plan, nonprofit health care plan, health maintenance organization or preferred provider organization makes charges to any person ~~which that~~ are not in conformity with a filing ~~which that~~ it is required to submit for approval or dis-

approval by this Title or Title 24, the superintendent may order that refunds of any overcharges be made.

Sec. 2. 24-A MRSA §2186, sub-§1, ¶B, as amended by PL 1999, c. 5, §1 and affected by §2, is further amended to read:

B. "Insurer" means an authorized insurance company, fraternal benefit society, reinsurer, surplus lines insurer, unauthorized insurer, nonprofit hospital and medical service organization, health maintenance organization, risk retention group or multiple employer welfare organization. "Insurer" also includes an insurance producer or other person acting on the behalf of an insurer. For the purposes of this section, "insurer" also means the state Medicaid program.

Sec. 3. 24-A MRSA §4126, sub-§6 is enacted to read:

6. Nothing in this section may be construed as limiting the superintendent's authority to take enforcement action under section 12-A in connection with violations of applicable provisions of this Title.

Sec. 4. 24-A MRSA §4127, as amended by PL 1977, c. 694, §432 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is repealed.

Sec. 5. 24-A MRSA §4127-A is enacted to read:

§4127-A. Suspension, revocation or refusal of license of foreign or alien society

The superintendent may suspend, revoke or refuse the license of a foreign or alien society transacting or applying to transact business in this State as set out in this section.

1. Investigation. If, upon investigation, the superintendent finds that a foreign or alien society transacting or applying to transact business in this State has exceeded its powers, has failed to comply with any of the provisions of this chapter, is not fulfilling its contracts in good faith or is conducting its business fraudulently or in a manner hazardous to its members or creditors or the public, the superintendent shall notify the society of the deficiency or deficiencies and state in writing the reasons that warrant suspension, revocation or refusal of the society's license. The notice must require that the deficiency or deficiencies be corrected.

After receipt of the notice, the society has 30 days to comply with the superintendent's request for correction, and if the society fails to comply, the superintendent shall notify the society of the findings of non-compliance and require the society to show cause, on a date set by the superintendent, why its license should not be suspended, revoked or refused. If on that date the society does not present good and sufficient reason why its authority to do business in this State should