

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

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

J.S. McCarthy Company
Augusta, Maine
1999

facility must include the identification number or code of the certified nurse practitioner or certified nurse midwife who provided the service and may not be submitted using the identification number or code of a physician or other health care provider who did not provide the covered service.

Sec. 6. 24-A MRSA §4306, as enacted by PL 1995, c. 673, Pt. C, §1 and affected by §2, is amended to read:

§4306. Enrollee choice of primary care physician

A carrier offering a managed care plan shall allow enrollees to choose their own primary care ~~physicians providers~~, as allowed under the managed care plan's rules, from among the panel of participating providers made available to enrollees under the managed care plan's rules. A carrier shall allow physicians, and certified nurse practitioners who have been approved by the State Board of Nursing to practice advanced practice registered nursing without the supervision of a physician pursuant to Title 32, section 2102, subsection 2-A, to serve as primary care providers for managed care plans. A carrier is not required to contract with certified nurse practitioners or physicians as primary care providers in any manner that exceeds the access and provider network standards required in this chapter or chapter 56-A, or any rules adopted pursuant to those chapters. A managed care plan must allow enrollees to change primary care ~~physicians providers~~ without good cause at least once annually and to change with good cause as necessary. When an enrollee fails to choose a primary care ~~physician provider~~, the managed care plan may assign the enrollee a primary care ~~physician provider~~ located in the same geographic area in which the enrollee resides.

Sec. 7. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after March 1, 2000. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 397

H.P. 1385 - L.D. 1982

An Act to Establish a Lobster Trap Tag Freeze to Limit Effort in the Lobster Fishery

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

Sec. 1. 12 MRSA §6421, sub-§5, ¶D, as repealed and replaced by PL 1997, c. 250, §3 and affected by §10, is amended to read:

D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year; ~~or~~

Sec. 2. 12 MRSA §6421, sub-§5, ¶F, as amended by PL 1997, c. 250, §5 and affected by §10, is further amended to read:

F. Is 65 years of age or older and has held a lobster and crab fishing license; or

Sec. 3. 12 MRSA §6421, sub-§5, ¶H is enacted to read:

H. Has held a student lobster and crab fishing license in 3 consecutive years and:

- (1) Is 18 years of age or older; or
- (2) Is a high school graduate.

This paragraph is repealed December 31, 2001.

Sec. 4. 12 MRSA §6421-A, sub-§1, ¶¶B and C, as enacted by PL 1997, c. 747, §1, are amended to read:

B. Possessed an apprentice lobster and crab fishing license issued prior to February 13, 1998 and meets the requirements of the apprentice program under section 6422; ~~or~~

C. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included that previous calendar year; or

Sec. 5. 12 MRSA §6421-A, sub-§1, ¶D is enacted to read:

D. Has held a student lobster and crab fishing license in 3 consecutive years and:

- (1) Is 18 years of age or older; or
- (2) Is a high school graduate.

Sec. 6. 12 MRSA §6431-F is enacted to read:

§6431-F. Trap tag freeze

1. Trap tag limits. Beginning with the 2000 license year, the following trap tag limits apply to

holders of Class I, Class II or Class III lobster and crab fishing licenses.

A. If the license holder purchased as of November 20, 1998 for the 1998 license year between zero and 200 trap tags, the license holder may not purchase more than 300 trap tags for the initial license year. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number does not exceed the trap limit established by rule for the zone in which the person fishes a majority of that person's traps.

B. If the license holder purchased as of November 20, 1998 for the 1998 license year 201 or more trap tags, for the initial license year, the license holder may purchase a number of trap tags not greater than 100 more than the number the license holder purchased as of November 20, 1998 for the 1998 license year as long as that number does not exceed the trap limit established by rule for the zone in which the person fishes a majority of that person's traps. For each following year, the license holder may purchase a number of trap tags that is not greater than 100 more than the number the license holder purchased for the previous license year as long as the number does not exceed the trap limit established by rule for the zone in which the person fishes a majority of that person's traps.

2. Exceptions. Notwithstanding subsection 1, the following trap tag limits apply:

A. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license for the first time after meeting the requirements of the apprentice program under section 6422, the license holder may not purchase more than 300 trap tags for the initial license year. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number does not exceed the trap limit established by rule for the zone in which the person fishes a majority of that person's traps;

B. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, paragraph H or section 6421-A, subsection 1, paragraph D, the license holder may not purchase more than 300 trap tags for the initial license year. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number does not exceed the trap limit established by rule for the zone in which the person fishes a majority of that person's traps; and

C. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license on appeal, the license holder may purchase for the initial license year a number of trap tags up to the number of trap tags purchased by the person for the most recent year in which the person held a license if the person held a license in 1996, 1997 or 1998 or 300 trap tags if the person did not hold a license in 1996, 1997 or 1998. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number does not exceed the trap limit established by rule for the zone in which the person fishes a majority of that person's traps.

3. Appeal of trap tag denial. A lobster and crab fishing license holder who is not issued any trap tags under subsection 1 or 2 may appeal to the commissioner for a review of that denial. The appeals process is as follows.

A. The commissioner may issue trap tags on appeal only if the following criteria are met:

(1) The person documents that the person harvested lobsters in 1996 and 1997; and

(2) The person documents that the person did not purchase trap tags in 1998 because of a substantial illness or other medical condition on the part of the person or a family member or the person documents that service in the Armed Forces of the United States or the United States Coast Guard precluded participation in the lobster fishery and the purchase of trap tags in 1998. For the purposes of this subparagraph, "family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, step-parent, grandchild or grandparent.

B. A person appealing the denial of trap tags under this subsection shall request the review in writing. The commissioner shall hold a hearing on the appeal if it is requested in writing within 10 days of the initial request. If a hearing is requested, it must be held within 10 days of the request, unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in paragraph A that might justify issuing trap tags to the person, and the commissioner may request any additional information the commissioner consid-

ers necessary. Any medical information provided as part of the appeal is a confidential record as defined in Title 1, section 402, subsection 3, paragraph A.

C. A license holder whose appeal is approved under this subsection may purchase a number of trap tags up to the number of trap tags purchased in 1996 or 1997, whichever is greater. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number does not exceed the trap limit established by rule for the zone in which the person fishes a majority of that person's traps.

Issuance of trap tags on appeal is at the discretion of the commissioner, except that trap tags may not be issued unless the criteria in paragraph A are met. Decisions of the commissioner must be in writing.

4. Trap limit for zone. A person may not purchase a number of trap tags greater than the trap limit established by rule for a lobster management zone in which that person fishes.

5. Repeal. This section is repealed December 31, 2001.

Sec. 7. Report. The Lobster Advisory Council shall report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource. The Lobster Advisory Council, in consultation with the lobster management policy councils and members of the lobster management zones, shall consider methods to control effort and the potential impacts of those methods on traditional fishing practices. Methods to be considered may include, but are not limited to, the following: establishing a tiered license program; providing for the transfer of a license to a family member; increasing license and trap tag fees; and instituting more severe penalties for violations of laws relating to the lobster resource. The Joint Standing Committee on Marine Resources may report out legislation to the Second Regular Session of the 119th Legislature regarding limited effort in the lobster fishery.

See title page for effective date.

CHAPTER 398

H.P. 1509 - L.D. 2154

An Act to Amend the Electric Industry Restructuring Laws

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

PART A

Sec. A-1. 5 MRSA §200-B, sub-§1, as repealed and replaced by PL 1995, c. 625, Pt. A, §2, is amended to read:

1. Public utility services. As used in this section, the term "public utility services" means services furnished by a public utility as defined in Title 35-A, section 102, subsections 5, 7, 8, 12, 14, 15, 19, 20-B and 22 whether or not subject to the jurisdiction of the Public Utilities Commission.

Sec. A-2. 35-A MRSA §101, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§101. Statement of purpose

The purpose of this Title is to ensure that there is a regulatory system for public utilities in the State ~~which that~~ is consistent with the public interest and with other requirements of law and to provide for reasonable licensing requirements for competitive electricity providers. The basic purpose of this regulatory system is to ~~assure~~ ensure safe, reasonable and adequate service ~~at rates which~~ and to ensure that the rates of public utilities are just and reasonable to customers and public utilities.

Sec. A-3. 35-A MRSA §102, sub-§2-A is enacted to read:

2-A. Competitive service provider. "Competitive service provider" means a competitive electricity provider as defined in section 3201, subsection 5.

Sec. A-4. 35-A MRSA §102, sub-§5, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. A-5. 35-A MRSA §102, sub-§6, as amended by PL 1997, c. 710, §1, is repealed.

Sec. A-6. 35-A MRSA §102, sub-§6-A, as enacted by PL 1997, c. 710, §2 and affected by §10, is repealed.

Sec. A-7. 35-A MRSA §102, sub-§13, as amended by PL 1995, c. 225, §2, is further amended to read:

13. Public utility. "Public utility" includes every gas utility, natural gas pipeline utility, ~~electric~~ transmission and distribution utility, telephone utility, water utility, public heating utility and ferry, as those terms are defined in this section, and each of those utilities is declared to be a public utility. "Public utility" does not include the operation of a radio paging service, as that term is defined in this section, or mobile telecommunications services unless only one entity or an affiliated interest of that entity, as