

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

ganizations, except ~~group~~ long-term care policies as defined in Title 24-A, section 5051.

Sec. 3. 24-A MRSA §2736-C, sub-§2, ¶A, as enacted by PL 1993, c. 477, Pt. C, §1 and affected by Pt. F, §1, is amended to read:

A. A carrier issuing an individual health plan after ~~the effective date of this section~~ December 1, 1993 must file the carrier's community rate and any formulas and factors used to adjust that rate with the superintendent ~~for informational purposes~~ prior to issuance of any individual health plan.

Sec. 4. 24-A MRSA §2850, sub-§1, as amended by PL 1991, c. 695, §11, is further amended to read:

1. Application. This section applies to individual ~~and group~~ medical insurance ~~policies contracts~~ subject to chapter 33, except Medicare supplement ~~policies contracts~~, converted ~~policies contracts~~ issued under section 2809-A and ~~policies contracts~~ designed to cover specific diseases, hospital indemnity or accidental injury only.

Sec. 5. 24-A MRSA §5010-A, as enacted by PL 1993, c. 304, §1, is amended to read:

§5010-A. Coverage of the disabled

An issuer offering coverage under a Medicare supplement policy in this State shall offer coverage under its standardized plans to all individuals, regardless of age, who are entitled to Medicare benefits due to disability. An issuer shall offer such coverage during an individual's open enrollment period under any of the policies offered by the issuer to persons eligible for Medicare benefits due to age. An issuer shall also offer standardized Medicare Supplement Plan A to persons entitled to Medicare benefits due to disability during the guaranteed issue period as set forth in section 5012. Issuers shall give notice of Medicare supplement coverage to individuals enrolled in Medicare in advertising of Medicare supplement policies intended for use in this State. By January 1, 1994, the superintendent shall establish rules to ensure that the notice of the availability of coverage for the disabled is sufficiently advertised.

See title page for effective date.

CHAPTER 548

H.P. 1236 - L.D. 1663

**An Act to Allow the Growth and Sale
of Cultivated Ginseng in Maine**

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

Sec. 1. 7 MRSA c. 406 is enacted to read:

CHAPTER 406

GINSENG

§2221. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Ginseng. "Ginseng" means any part of the plant known as Wild American Ginseng (Panax quinquefolius L.)

§2222. Permit and registration

A person who cultivates ginseng for sale must be licensed by the department and shall pay an annual fee of \$10. A person who buys ginseng for resale shall register annually with the department as a ginseng dealer and pay an annual fee of \$25.

§2223. Harvesting and certification

The department shall establish a procedure for certifying cultivated ginseng for export to other states or countries. The department shall also require that records be maintained by anyone who harvests ginseng for sale or buys ginseng for resale. The department may charge fees to recover costs involved in certifying ginseng for export.

§2224. Fund

All fees collected under this chapter must be deposited in a nonlapsing dedicated fund to be used by the department to implement this chapter.

§2225. Rules

The department may adopt rules necessary to implement this chapter.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1994-95

**AGRICULTURE, FOOD AND
RURAL RESOURCES,
DEPARTMENT OF**

**Bureau of Agricultural
Production**

All Other \$500

Provides for the allocation of funds to establish a ginseng certification program.

See title page for effective date.

CHAPTER 549

H.P. 1249 - L.D. 1676

An Act to Change the Membership of the Maine Pull Events Commission

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

Sec. 1. 7 MRSA §75, sub-§6, ¶B, as enacted by PL 1987, c. 849, §2, is amended to read:

B. The board ~~shall consist~~ consists of ~~8~~ 9 members appointed as follows:

(1) ~~One horse puller and one ox puller~~ Two members appointed by the Maine Draft Horse and Ox Association, one member appointed by the Pine Tree Ox Association and one pony puller member appointed by the Pony Association;

(2) The Executive Director of the Animal Welfare Board;

(3) One Fair Superintendent appointed by the Maine Association of Agricultural Fairs;

(4) One representative of the Maine Federation of Humane Societies appointed by that federation;

(5) One representative of the Maine Animal Coalition appointed by that organization; and

(6) The commissioner or a designated representative.

Each person required to make an appointment under this subsection shall make the appointment by May 5, 1988, and inform the commissioner upon making the appointment.

Sec. 2. Appointment. Notwithstanding the Maine Revised Statutes, Title 7, section 75, subsection 6, paragraph B, the Pine Tree Ox Association shall make its first appointment of a member to the

Pull Events Commission by August 15, 1994 for a term ending May 14, 1996.

See title page for effective date.

CHAPTER 550

H.P. 1261 - L.D. 1688

An Act to Increase Penalties for Violation of Lobster Fishing Laws

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

Sec. 1. 12 MRSA §6402-B is enacted to read:

§6402-B. Suspension based on 2 or more convictions of possessing short lobsters

Notwithstanding section 6401, subsection 2, the commissioner shall suspend the lobster and crab fishing license of any licenseholder convicted of a 2nd or subsequent offense of possessing a lobster smaller than the minimum size established in section 6431, subsection 1 if the conviction of the 2nd or subsequent offense involved possession of 3 or more lobsters smaller than that minimum size. The suspension is for a period of 3 years from the date of conviction.

See title page for effective date.

CHAPTER 551

H.P. 1265 - L.D. 1692

An Act to Clarify the Certification Procedures of the Maine Criminal Justice Academy

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

Sec. 1. 25 MRSA §2804-B, sub-§7, as enacted by PL 1989, c. 521, §§5 and 17, is amended to read:

7. Reserve and other part-time law enforcement officers. The board shall certify law enforcement officers who successfully complete preservice law enforcement training as reserve or part-time law enforcement officers. Thereafter, as a condition of continued service as a reserve or part-time law enforcement officer, the officer must satisfactorily maintain the preservice certification. The board shall maintain a roster of all currently certified reserve or part-time law enforcement officers. The roster ~~shall~~