

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
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elected to represent, must be filled by the school committee of the town in which the vacancy occurs. A similar vacancy on a school committee of a district that includes kindergarten and grades one to 12 must be filled by the municipal officers of the municipality in which the member resided. The municipal officers shall select a new member from the municipality in which the old member resided to serve until the next annual municipal election at which time a replacement must be elected to serve the remainder of the unexpired term. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency.

See title page for effective date.

CHAPTER 669

H.P. 1461 - L.D. 1986

An Act Regarding Access to Chiropractic Services

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

Sec. 1. 24 MRSA §2303-C, sub-§3, as amended by PL 1989, c. 141, §1, is further amended to read:

3. Report to Superintendent of Insurance. Every nonprofit hospital or medical service organization subject to this section shall report its experience for each calendar year to the Superintendent of Insurance not later than April 30th of the following year. The report ~~shall~~ must be in a form prescribed by the superintendent and ~~shall~~ include the amount of claims paid in this State for the services required by this section and the total amount of claims paid in this State for group health care contracts. The report must include complaints concerning access to services under this section and the results of those complaints. The superintendent shall compile this data for all nonprofit hospital or medical service organizations in an annual report.

Sec. 2. 24-A MRSA §2748, sub-§3, as amended by PL 1989, c. 141, §3, is further amended to read:

3. Report to Superintendent of Insurance. Every insurer subject to this section shall report its experience for each calendar year to the Superintendent of Insurance not later than April 30th of the following year. The report ~~shall~~ must be in a form prescribed by the superintendent and ~~shall~~ include the amount of claims paid in this State for the services

required by this section and the total amount of claims paid in this State for health care contracts. The report must include complaints concerning access to services under this section and the results of those complaints. The superintendent shall compile this data for all insurers in an annual report.

Sec. 3. 24-A MRSA §2840-A, sub-§3, as amended by PL 1989, c. 141, §5, is further amended to read:

3. Reports to the Superintendent of Insurance. Every insurer subject to this section shall report its experience for each calendar year to the Superintendent of Insurance not later than April 30th of the following year. The report ~~shall~~ must be in a form prescribed by the superintendent and ~~shall~~ include the amount of claims paid in this State for the services required by this section and the total amount of claims paid in this State for health care contracts. The report must include complaints concerning access to services under this section and the results of those complaints. The superintendent shall compile this data for all insurers in an annual report.

Sec. 4. 24-A MRSA §4211, sub-§2, ¶B, as enacted by PL 1975, c. 503, is amended to read:

B. The total number and disposition of complaints handled through ~~such~~ the complaint system and a compilation of causes underlying the complaints filed. Complaints concerning access to chiropractic providers and the results of those complaints must be separately identified; and

Sec. 5. 24-A MRSA §4228, sub-§1, ¶A, as enacted by PL 1987, c. 168, §5, is amended to read:

A. The number and type of evaluations performed.

(1) For the purposes of this section, the term "type of evaluations" means the following preutilization review categories: ~~Presurgical~~ presurgical inpatient days; setting of medical service, such as inpatient or outpatient services; and the number of days of service;

(2) The report must separately identify the number of evaluations performed in which the health care services requested or provided include chiropractic services and the results of those evaluations;

Sec. 6. 24-A MRSA §4236 is enacted to read:

§4236. Chiropractors in health maintenance organizations

Every health maintenance organization shall include in every plan for health care services chiropractic services delivered by qualified chiropractic providers in accordance with this section.

1. Qualifications of chiropractic providers.

The health maintenance organization shall determine the qualifications of chiropractic providers using reasonable standards that are similar to and consistent with the standards applied to other providers.

2. Benefits.

The health maintenance organization shall provide benefits covering care by chiropractic providers at least equal to and consistent with the benefits paid to other health care providers treating similar neuro-musculoskeletal conditions.

See title page for effective date.

CHAPTER 670**S.P. 613 - L.D. 1711****An Act Concerning Technical Changes to the Tax Laws**

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

Whereas, delay in making technical changes to the tax laws would interfere with administration of those laws; and

Whereas, legislative action is immediately necessary in order to ensure continued and efficient administration of the tax laws; 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. 36 MRSA §1752, sub-§11, ¶B, as enacted by PL 1989, c. 871, §5, is amended to read:

B. "Retail sale" does not include:

- (1) Any casual sale;
- (2) Any sale by a personal representative in the settlement of an estate, unless the sale is made through a retailer, or unless the

sale is made in the continuation or operation of a business;

(3) The sale, to a person engaged in the business of renting automobiles, of automobiles, integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented, on a short-term basis; or

(4) The sale, to a person engaged in the business of renting video tapes and video equipment, of video tapes or video equipment for rental.

Sec. 2. 36 MRSA §1760, sub-§35, as enacted by PL 1975, c. 279, is amended to read:

35. Seeing eye dogs. Sales of ~~goods and services which are~~ tangible personal property and taxable services essential for the care and maintenance of seeing eye dogs ~~which are~~ used to aid any blind person.

Sec. 3. 36 MRSA §1760, sub-§46, as repealed and replaced by PL 1985, c. 535, §2, is amended to read:

46. Residential facilities for medical patients and their families. ~~Incorporated~~ Sales to incorporated nonprofit organizations providing temporary residential accommodations to pediatric patients suffering from critical illness or disease, such as cancer, or who are accident victims, and adult patients with cancer, or the families of the patients;

Sec. 4. 36 MRSA §1760, sub-§60, as enacted by PL 1987, c. 343, §6, is amended to read:

60. Sales to incorporated nonprofit animal shelters. Sales to incorporated nonprofit animal shelters of ~~materials and items~~ tangible personal property used in the operation and maintenance of ~~incorporated nonprofit animal those shelters and or in~~ the maintenance and care of any animal housed in those shelters.

Sec. 5. 36 MRSA §1760, sub-§64, as enacted by PL 1987, c. 895, is amended to read:

64. Schools and school-sponsored organizations. Sales of ~~goods and services~~ tangible personal property and taxable services by public and private elementary and secondary schools that otherwise qualify as ~~a school schools under section 1760,~~ subsection 16, and by student organizations sponsored by those schools, including booster clubs and student or parent-teacher organizations, ~~provided as long as~~ the profits from ~~those such~~ sales are used to benefit those schools or student organizations or are used for a charitable purpose.