

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The Board of Trustees of the Maine Veterans' Homes shall plan and develop these additional homes and may use any funds available for those purposes, except for the Augusta facility's funded depreciation account. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the homes is to provide support and care for honorably discharged veterans who served in the United States Armed Forces during wartime, including the Korean Conflict, the Vietnam War and the Persian Gulf War.

See title page for effective date.

CHAPTER 99

H.P. 179 - L.D. 234

An Act to Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans

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

Sec. 1. 24-A MRSA §4236, sub-§3, as enacted by PL 1995, c. 350, §1, is amended to read:

3. Self-referrals for chiropractic care. A health maintenance organization must provide benefits to an enrollee who utilizes the services of a chiropractic provider by self-referral under the following conditions.

A. An enrollee may utilize the services of a participating chiropractic provider within the enrollee's health maintenance organization for 3 weeks or a maximum of 12 visits, whichever occurs first, of acute care treatment without the prior approval of a primary care provider of the health maintenance organization. For purposes of this subsection, "acute care treatment" means treatment for accidental bodily injury or sudden, severe pain that affects the ability of the enrollee

to engage in the normal activities, duties or responsibilities of daily living.

B. Within 3 working days of the first consultation, the participating chiropractic provider shall send to the primary care provider a report containing the enrollee's complaint, related history, examination, initial diagnosis and treatment plan. If the chiropractic provider fails to send a report to the primary care provider within 3 working days, the health maintenance organization is not obligated to provide benefits for chiropractic care and the enrollee is not liable to the chiropractic provider for any unpaid fees.

C. If the enrollee and the participating chiropractic provider determine that the condition of the enrollee has not improved after 3 weeks of treatment or a maximum of 12 visits, the participating chiropractic provider shall discontinue treatment and refer the enrollee to the primary care provider.

D. If the chiropractic provider recommends treatment beyond 3 weeks or a maximum of 12 visits, the participating chiropractic provider shall send to the primary care provider a report containing information on the enrollee's progress and outlining a treatment plan for extended chiropractic care of up to 5 more weeks or a maximum of 12 more visits, whichever occurs first.

E. Without the approval of the primary care provider, an enrollee may not receive benefits for more than 36 visits to a participating chiropractic provider in a 12-month period. After a maximum of 36 visits, an enrollee's continuing chiropractic treatment must be authorized by the primary care provider.

In the provision of chiropractic services under this subsection, a participating chiropractic provider is liable for a professional diagnosis of a mental or physical condition that has resulted or may result in the chiropractic provider performing duties in a manner that endangers the health or safety of an enrollee.

The provisions of this subsection apply to all health maintenance organization contracts, except a contract between a health maintenance organization and the State Employee Health Insurance Program.

This subsection takes effect January 1, 1996 ~~and is repealed March 1, 1998.~~

Sec. 2. Report required. The Bureau of Insurance shall submit a report to the joint standing committee of the Legislature having jurisdiction over insurance matters of the 119th Legislature by January 1, 1999 on the claims experience of health mainte-

nance organizations related to self-referrals of chiropractic care under the Maine Revised Statutes, Title 24-A, section 4236. The report must include the total amount of claims paid for chiropractic services by health maintenance organizations, the total amount of claims paid for self-referred chiropractic services, the total number of self-referrals for chiropractic care, the average cost of those claims and the number of complaints received by the Bureau of Insurance regarding access to chiropractic care in health maintenance organization managed care plans.

See title page for effective date.

CHAPTER 100

H.P. 85 - L.D. 110

An Act to Exempt Certain Loaned Federal Vehicles from Certificates of Title

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

Whereas, American Legion Post #77 in Lincoln has obtained a vehicle from the Federal Government for use for ceremonial purposes; and

Whereas, the vehicle can not be used without payment of certificate of title and registration fees or exemption from those requirements; and

Whereas, it is desirable that the vehicle be available for ceremonial purposes sooner than 90 days after adjournment of the Legislature; 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 §652, sub-§1, as amended by PL 1995, c. 250, §1, is further amended to read:

1. United States' vehicle. A vehicle owned by the Federal Government, unless it is registered in this State or, at the discretion of the Secretary of State, a vehicle owned by the Federal Government that is loaned to the State or a municipality for forest fire control activities or a veterans' organization;

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

Effective April 18, 1997.

CHAPTER 101

H.P. 205 - L.D. 258

An Act Concerning Compensation under the Natural Resources Protection Laws

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

Sec. 1. 38 MRSA §480-Z is enacted to read:

§480-Z. Compensation

The department may establish a program providing for compensation of unavoidable freshwater or coastal wetland losses due to a proposed activity. Compensation must include the restoration, enhancement, creation or preservation of wetlands that have functions or values similar to the wetlands impacted by the activity, unless otherwise approved by the department. Preservation may include protection of uplands adjacent to wetlands.

The department may require that compensation include the design, implementation and maintenance of a compensation project or, in lieu of such a project, may allow the applicant to purchase credits from a mitigation bank or to pay a compensation fee. If compensation is required, the completion and maintenance of a project, purchase of credits or payment of a compensation fee must be a condition of the permit.

The department shall identify an appropriate project, or determine the amount of credits or compensation fee, based upon the compensation that would be necessary to restore, enhance, create or preserve wetlands with functions or values similar to the wetlands impacted by the activity. However, the department may allow the applicant to conduct a project of equivalent value, or allow the purchase of credits or payment of a compensation fee of equivalent value, to be used for the purpose of restoring, enhancing, creating or preserving other wetland functions or values that are environmentally preferable to the functions and values impacted by the activity, as determined by the department. The loss of functions or values of a coastal wetland may not be compensated for by the restoration, enhancement, creation or preservation of freshwater wetland functions or values.