

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

B. Employees or agents of persons lawfully entitled to possession who have temporary, incidental possession while acting within the scope of their employment or agency;

C. Persons whose possession is for the purpose of aiding public officers in performing their official duties while acting within the scope of their employment or duties;

D. Law enforcement officers while acting within the scope of their employment and official duties; ~~and~~

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs ~~or~~, controlled substances, or hypodermic apparatuses while acting within the course of their professional practice; ~~and~~

F. With regard to the possession or furnishing of hypodermic apparatuses, persons authorized by the Bureau of Health pursuant to a hypodermic apparatus exchange program, certified under chapter 252-A while acting within the scope of their employment under such programs.

See title page for effective date.

CHAPTER 341

H.P. 969 - L.D. 1349

An Act to Reduce Insurance Premiums by Discouraging Insurance Fraud

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

Sec. 1. 24-A MRSA §2183, sub-§1, as enacted by PL 1987, c. 345, is amended to read:

1. Definition. For the purpose of this section, "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent of an insurer, any written statement as part of or in support of an application for the issuance of or the rating of an insurance policy for commercial insurance or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance ~~which he~~ the person knows to contain materially false information concerning any material fact or conceals, for the purpose of misleading, information concerning any material fact.

Sec. 2. 24-A MRSA §2183, sub-§3 is enacted to read:

3. Recovery costs. In a civil action in which it is proven that a person committed a fraudulent insurance act, the court may award reasonable attorney's fees and costs to the insurer. In a civil action in which the insurer alleges that a party committed a fraudulent insurance act that is not established at trial, the court may award reasonable attorney's fees and costs to the party if the allegation is not supported by any reasonable basis of law or fact.

See title page for effective date.

CHAPTER 342

H.P. 1128 - L.D. 1584

An Act Regarding Confidentiality of Information Concerning Residents of Certain Facilities

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

Sec. 1. 5 MRSA §19112, sub-§§2 and 3, as enacted by PL 1993, c. 738, Pt. B, §3 and affected by §9, are amended to read:

2. Evaluate allocation of resources. To evaluate on a continuing basis the allocation of resources to ensure the availability of quality services delivered in a coordinated and efficient manner that is consistent with the needs of children and families; ~~and~~

3. Develop coordinated policy. To continue the development of a comprehensive and coordinated approach to initiation and revision of policy affecting services to children and families; ~~and~~

Sec. 2. 5 MRSA §19112, sub-§4 is enacted to read:

4. Informal information exchange. To develop a plan for the informal exchange of information among residential service providers, local law enforcement agencies and schools concerning children receiving residential services.

Sec. 3. 22 MRSA §7806 is enacted to read:

§7806. Confidentiality guidelines

As a condition of licensure under this subtitle, the department shall require entities described in section 7801, subsection 1, paragraphs A, A-1, B and C to develop policies for releasing nontreatment information about a resident to law enforcement agencies, schools, parents, guardians or other appropriate public agencies. The department shall establish