

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

**1. Basic health care services.** "Basic health care services" means health care services that an enrolled population might reasonably require in order to be maintained in good health and includes, at a minimum, emergency care, inpatient hospital care, inpatient physician services, outpatient physician services, ancillary services such as x-ray services and laboratory services and all benefits mandated by statute and mandated by rule applicable to health maintenance organizations. The superintendent may adopt rules defining "basic health care services" to be provided by health maintenance organizations. In adopting such rules, the superintendent shall consider the coverages that have traditionally been provided by health maintenance organizations; the need for flexibility in the marketplace; and the importance of providing multiple options to employers and consumers. The superintendent may not require that all health benefit plans offered by health maintenance organizations meet or exceed each of the particular requirements of standard or basic health plans specified in Bureau of Insurance Rule, Chapter 750. The superintendent may select required services from among those set forth in Bureau of Insurance Rule, Chapter 750 and shall permit reasonable, but not excessive or unfairly discriminatory, variations in the copayment, coinsurance, deductible and other features of such coverage, except that these features must meet or exceed those required in benefits mandated by statute. Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

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

Effective May 18, 2001.

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**CHAPTER 219**

**S.P. 472 - L.D. 1536**

**An Act to Clarify the Use of Funds for Reclassifications and Temporary Positions**

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

**Sec. 1. 5 MRSA §1676**, as enacted by PL 1997, c. 24, Pt. EE, §1, is amended to read:

**§1676. Transfer from salary plan**

Notwithstanding section 1585, available balances in the General Fund Salary Plan program in the Department of Administrative and Financial Services that are no ~~long~~ longer required for the purposes for which they were appropriated may be made available

by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used to meet the fixed obligation of the General Fund for the unfunded actuarial liability in each fiscal year. Any other available balances in the General Fund Salary Plan may only be used or made available in accordance with legislative authorization.

**Sec. 2. 5 MRSA §1676-A**, as enacted by PL 1997, c. 25, Pt. M, §1, is amended to read:

**§1676-A. Transfer from Highway Fund Salary Plan**

Notwithstanding section 1585, available balances in the Highway Fund Salary Plan program in the Department of Administrative and Financial Services that are no longer required for the purposes for which they were allocated may be made available by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used to meet the fixed obligation of the Highway Fund for the unfunded actuarial liability in each fiscal year. Any other available balances in the Highway Fund Salary Plan may only be used or made available in accordance with legislative authorization.

See title page for effective date.

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**CHAPTER 220**

**S.P. 189 - L.D. 661**

**An Act to Make an Owner Responsible for Injuries Caused by a Dog**

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

**Sec. 1. 7 MRSA §3961**, as amended by PL 1999, c. 254, §8, is repealed and the following enacted in its place:

**§3961. Reimbursement for damage done by animals**

**1. Injuries and damages by animal.** When an animal damages a person or that person's property due to negligence of the animal's owner or keeper, the owner or keeper of that animal is liable in a civil action to the person injured for the amount of damage done if the damage was not occasioned through the fault of the person injured.

**2. Injuries by dog.** Notwithstanding subsection 1, when a dog injures a person who is not on the owner's or keeper's premises at the time of the injury, the owner or keeper of the dog is liable in a civil action to the person injured for the amount of the damages. Any fault on the part of the person injured

may not reduce the damages recovered for physical injury to that person unless the court determines that the fault of the person injured exceeded the fault of the dog's keeper or owner.

**Sec. 2. 7 MRSA §3961-A** is enacted to read:

**§3961-A. Attack on service dog**

A person who owns or keeps a dog that attacks, injures or kills a service dog while the service dog is in discharge of its duties commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

When a person is adjudicated of a violation of this section, the court shall order the person to make restitution to the owner of the service dog for any veterinary bills and necessary retraining costs or replacement costs of the dog if it is disabled or killed.

For the purposes of this section, "service dog" means a guide dog for the visually impaired, a hearing dog trained to alert a person with impaired hearing or a personal care dog as defined in Title 17, section 1312, subsection 7.

See title page for effective date.

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**CHAPTER 221**

**H.P. 1213 - L.D. 1645**

**An Act to Address Confidentiality of Records in the Medical Examiner Act**

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

**Sec. 1. 22 MRSA §3022, sub-§8**, as amended by PL 1991, c. 339, §1, is repealed and the following enacted in its place:

**8. Certain information confidential.** The following records in the possession or custody of a medical examiner or the Office of the Chief Medical Examiner are not public records within the meaning of Title 1, section 402, subsection 3 and are confidential:

A. Medical records relating to a medical examiner case;

B. Law enforcement agency reports or records relating to a medical examiner case;

C. Communications with the Department of the Attorney General relating to a medical examiner case;

D. Communications with the office of a district attorney relating to a medical examiner case;

E. Death certificates and amendments made to the certificates, except for the information for which the medical examiner is responsible, as listed in section 2842, subsection 3, and not ordered withheld by the Attorney General relating to a medical examiner case or missing person;

F. Photographs and transparencies, histological slides, videotapes and other like items relating to a medical examiner case; and

G. Written or otherwise recorded communications that express or are evidence of suicidal intent obtained under section 3028, subsections 4 and 5.

**Sec. 2. 22 MRSA §3022, sub-§9**, as repealed and replaced by PL 1987, c. 329, §2, is repealed.

**Sec. 3. 22 MRSA §3022, sub-§10**, as repealed and replaced by PL 1987, c. 329, §2, is amended to read:

**10. Cooperation with research requests.** The Office of Chief Medical Examiner shall cooperate with research requests by supplying abstracted data and copies of reports to interested persons and agencies consistent with the available resources of the office.

**Sec. 4. 22 MRSA §3022, sub-§11**, as enacted by PL 1991, c. 339, §2, is repealed.

**Sec. 5. 22 MRSA §3022, sub-§§12, 13, 14 and 15** are enacted to read:

**12. Access to or dissemination of confidential records.** Except as specified in subsections 10 and 13, access to or dissemination of records made confidential under subsection 8 is limited to:

A. A criminal justice agency for the purpose of the administration of criminal or juvenile justice;

B. A person for whom the Chief Medical Examiner determines access is necessary or desirable to carry out a duty under this Act;

C. A person for whom the Chief Medical Examiner determines access is necessary or desirable to allow for the harvesting of a decedent's organs and other tissues;

D. A person when authorized or required under any state or federal law, rule or regulation; and

E. A person pursuant to a court order.

Access to or dissemination of records as provided under paragraphs A to C can be done as a matter of course by the Chief Medical Examiner unless the Attorney General directs otherwise.