

# 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**

H. Communicating or threatening to communicate to any person credit information that is known or that should be known to be false, including the failure to communicate that a disputed debt is disputed;

I. The use or distribution of a written communication that simulates or is falsely represented to be a document authorized, issued or approved by a court, official or agency of the United States or any state, or that creates a false impression as to its source, authorization or approval;

J. The use of a false representation or deceptive means to collect or attempt to collect a debt or to obtain information concerning a consumer;

K. The false representation or implication that accounts have been turned over to innocent purchasers for value;

L. The false representation or implication that documents are legal process;

M. The use of a business, company or organization name other than the true name of the merchant's business, company or organization;

N. The false representation or implication that documents are not legal process forms or do not require action by the consumer; or

O. The false representation or implication that a merchant operates or is employed by a consumer reporting agency, as defined by Title 10, section 1312, subsection 4.

6. A merchant may not use unfair or unconscionable means to collect or attempt to collect a debt. Without limiting the general application of this subsection, the following conduct is a violation of this section:

A. The collection of an amount, including any interest, fee, charge or expense incidental to the principal obligation, unless the amount is expressly authorized by the agreement creating the debt or permitted by law;

B. The solicitation by a merchant of any postdated check or other postdated payment instrument for the purpose of threatening or instituting criminal prosecution;

C. Depositing or threatening to deposit any postdated check or other postdated payment instrument prior to the date on the check or instrument;

D. Causing charges to be made to a person for communications by concealment of the true purpose of the communication. These charges in-

clude, but are not limited to, collect telephone calls and telegram fees;

E. Communicating with a consumer regarding a debt by postcard;

F. Using language or a symbol, other than the merchant's address and business name, on an envelope when communicating with a consumer in connection with a debt; or

G. Using or employing notaries public, constables, sheriffs or any other officer authorized to serve legal papers in the collection of a debt.

See title page for effective date.

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## CHAPTER 288

### H.P. 216 - L.D. 251

#### **An Act to Define "Medically Necessary Health Care" and Clarify its Application by Health Plans and Managed Care Plans**

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

**Sec. 1. 24-A MRSA §4301-A, sub-§6**, as enacted by PL 1999, c. 742, §3, is amended to read:

**6. Health care treatment decision.** "Health care treatment decision" means a decision regarding diagnosis, care or treatment when medical services are provided by a health plan, or a benefits decision involving ~~issues of medical necessity~~ determinations regarding medically necessary health care, preexisting condition determinations and determinations regarding experimental or investigational services.

**Sec. 2. 24-A MRSA §4301-A, sub-§10**, as enacted by PL 1999, c. 742, §3, is repealed.

**Sec. 3. 24-A MRSA §4301-A, sub-§10-A** is enacted to read:

**10-A. Medically necessary health care.** "Medically necessary health care" means health care services or products provided to an enrollee for the purpose of preventing, diagnosing or treating an illness, injury or disease or the symptoms of an illness, injury or disease in a manner that is:

A. Consistent with generally accepted standards of medical practice;

B. Clinically appropriate in terms of type, frequency, extent, site and duration;

C. Demonstrated through scientific evidence to be effective in improving health outcomes;

D. Representative of "best practices" in the medical profession; and

E. Not primarily for the convenience of the enrollee or physician or other health care practitioner.

**Sec. 4. 24-A MRSA §4301-A, sub-§11**, as enacted by PL 1999, c. 742, §3, is repealed.

**Sec. 5. 24-A MRSA §4303, sub-§3-B**, as enacted by PL 1999, c. 742, §7, is amended to read:

**3-B. Prohibition on financial incentives.** A carrier offering a managed care plan may not offer or pay any type of material inducement, bonus or other financial incentive to a participating provider to deny, reduce, withhold, limit or delay specific medically necessary and appropriate health care services covered under the plan to an enrollee. This subsection may not be construed to prohibit contracts that contain incentive plans that involve general payments such as capitation payments or risk-sharing agreements that are made with respect to providers or groups of providers or that are made with respect to groups of enrollees.

**Sec. 6. 24-A MRSA §4304, sub-§1**, as enacted by PL 1995, c. 673, Pt. C, §1 and affected by §2, is amended to read:

**1. Requirements for medical review or utilization review practices.** A carrier must appoint a medical director who is responsible for reviewing and approving the carrier's policies governing the clinical aspects of coverage determinations by any health plan that it offers. A carrier's medical review or utilization review practices must be governed by the standard of medically necessary health care as defined in this chapter.

See title page for effective date.

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## CHAPTER 289

S.P. 490 - L.D. 1579

### An Act to Clarify the Unlawful Use of Snowmobile Trails

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

**Sec. 1. 12 MRSA §7857, sub-§3**, as repealed and replaced by PL 1985, c. 762, §11, is amended to read:

**3. Unlawfully operating an ATV on a snowmobile trail.** A person is guilty of unlawfully operating a vehicle on a snowmobile trail, if ~~he~~ that person operates any 4-wheel drive vehicle, dune buggy, ATV, motorcycle or any other motor vehicle, other than a snowmobile and appurtenant equipment, at any time on snowmobile trails ~~which~~ that are financed in whole or in part with funds from the Snowmobile Trail Fund, unless that use has been authorized by the landowner or ~~his~~ the landowner's agent, or unless the use is necessitated by an emergency involving safety of persons or property.

See title page for effective date.

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## CHAPTER 290

H.P. 1201 - L.D. 1623

### An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center

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

**Sec. 1. 25 MRSA c. 192** is enacted to read:

#### CHAPTER 192

#### CENTRAL MAINE REGIONAL PUBLIC SAFETY COMMUNICATION CENTER

##### §1511. Center established

There is established within the Department of Public Safety, Bureau of State Police, the Central Maine Regional Public Safety Communication Center, referred to in this chapter as the "center." The purpose of the center is to provide emergency communication services to participating state, county and municipal public safety agencies in the central Maine region. The following entities may participate in the establishment of the center: the Maine State Police, Kennebec County and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland. An entity that receives emergency communications services from the center, whether or not the entity was involved in establishing the center, is referred to in this chapter as a "participating entity."

##### §1512. Center governance

The center is governed in accordance with this section.

**1. Governing council.** The center operates under a governing council.