

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

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NON-EMERGENCY LAWS IS
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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
2001

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Sec. 4. 24-A MRSA §4301-A, sub-§11, as enacted by PL 1999, c. 742, §3, is repealed.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

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Sec. 1. 12 MRSA §7857, sub-§3, as repealed and replaced by PL 1985, c. 762, §11, is amended to read: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

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.

A. The governing council consists of one voting member from each participating entity.

B. The governing council must meet at least twice annually to establish and review center policies and to provide guidance to the center's board of directors.

C. The governing council may override a decision of the board of directors when at least 1/3 of the governing council members sign a petition requesting a special meeting of the governing council and the governing council approves a motion to override by a weighted 2/3 vote, weighted as described in paragraph D, of those governing council members present at the special meeting.

D. Each participating entity may cast one vote and all votes of the governing council are tabulated as described in this paragraph. Each municipality has a weighted vote based upon the total population of the municipality as a proportion of the total population of all the participating municipalities. The governing council shall utilize the most recent decennial census data for determining the population of a participating municipality. The Maine State Police has a vote weighted the same as the most populous participating municipality. Kennebec County, if participating in the center, has a weighted vote equal to 1/2 of the weighted vote of the most populous participating municipality. At the first annual meeting of the governing council during each year of the center's operation, the exact weight of each governing council member's vote must be recorded in the minutes of the meeting and be distributed to each member of the governing council.

2. Board of directors. The board of directors oversees the operation of the center. A participating entity may not have more than 2 representatives serving on the board of directors.

A. The initial board of directors of the center consists of representatives of the following entities if the entities choose to participate in the center: the Maine State Police, Kennebec County, Augusta, Gardiner, Oakland, Waterville and Winslow. If other municipalities choose to participate in the center and these municipalities were served by a dispatch system prior to the establishment of the center, the initial board of directors must be expanded to include 2 at-large members appointed by the governing council to represent these municipalities. The initial board of directors shall, through procedures it adopts, add 4 advisory board members who serve the initial board of directors in an advisory capacity

but do not have power to bind the center. Each of the 4 advisory board members must be selected to represent the interests of one of the following public safety and service agencies: fire, police, ambulance and emergency medical services and general governmental services. The 4 advisory board members may not vote on matters related to financial issues but may register advisory votes on any other policy or procedural issues as determined by a simple majority of the board of directors. The initial board of directors shall operate for a period set by the board not to exceed 3 years from the date of the center's establishment. At the end of that period, the terms of the initial board of directors terminate and a permanent board of directors must be appointed.

B. Members of the permanent board serve at the pleasure of their appointing authorities. Representatives of the following, if they choose to participate in the center, may serve on the permanent board of directors and are selected as follows:

(1) The Maine State Police, appointed by the Chief of the State Police;

(2) The Kennebec County Commissioners, appointed by the chair of the Kennebec County Commissioners;

(3) Each of the 5 largest municipalities, by population, appointed by their municipal governing bodies;

(4) Two other municipalities not included under subparagraph (3), appointed by the governing council. Members appointed under this subparagraph are at-large directors and serve 2-year terms. At-large directors may be reappointed and may serve more than one term;

(5) Fire, police and emergency medical services and nonemergency ancillary governmental service agencies, selected pursuant to procedures adopted by the board of directors. Four members of the board of directors may be selected pursuant to this subparagraph, all of which serve as advisory board members. These 4 advisory members may not vote on matters related to financial issues but may register advisory votes on other policy or procedural issues as determined by a simple majority of the board of directors; and

(6) A governmental entity that formally joins the center after the establishment of the center by closing an existing dispatch operation that serves a population of more

than 10,000 people, appointed by that governmental entity.

C. The board of directors shall ensure that the center is operated in accordance with the policies established by the governing council. The board of directors shall:

(1) Nominate the director of the center. The name of the nominee must be submitted to the Commissioner of Public Safety who may appoint that person to serve as director. If the Commissioner of Public Safety does not approve of the nominee, the board of directors shall submit another nomination;

(2) Provide regular oversight to ensure that the director is operating the center consistently with the board of directors' directives;

(3) Submit its recommended annual budget and capital budget to the governing council; and

(4) Establish bylaws and general operating procedures for the center.

D. The Commissioner of Public Safety shall appoint the director, who must be nominated by the board of directors. The commissioner and the board of directors shall jointly establish the qualifications of the director. The commissioner, with the approval of the board of directors, may dismiss the director for cause. The director is the chief administrator of the center and is responsible for the operational management of the center. The director is responsible for the preparation of the annual budget, policy development and implementation of both budget and general policies adopted by the board of directors.

E. The initial staff of the center must be selected from the pool of current dispatch employees employed by any municipality or agency that joins the center. Employees of the center are state employees, including for, but not limited to, the purposes of Title 26.

§1513. Liability

Notwithstanding Title 14, chapter 741, a member of the governing council of the center or a member of the board of directors of the center is not subject to any personal liability for acting in the service of duty as a member of the center within the course and scope of membership or employment to carry out a power or duty under this chapter. The center shall indemnify a member of the governing council or a member of the board of directors against expenses actually and

necessarily incurred in connection with the defense of an action or proceeding in which the member or employee is made a party by reason of past or present association with the center.

§1514. Operational funding; cost-distribution; in-kind contributions

The center operates on an equitable shared-funding basis. The board of directors shall establish a funding formula, approved by the governing council, that distributes costs on an equitable basis, factors in both fixed and variable costs and reasonably reflects call-volume usage, population or valuation. Each participating entity shall contribute a portion of the operational costs on a continuing basis. The Maine State Police and Kennebec County, if it chooses to participate in the center, shall contribute for the first 3 years at the amount established in the year of the center's establishment. In-kind contributions, including those specific services for the center undertaken by participating entities, must be calculated and included in the cost-distribution formula. After the initial 3-year term of operation of the center, the board of directors shall biannually approve a cost-distribution formula for the center's operational costs.

§1515. Capital replacement fund

The board of directors shall establish and maintain a capital replacement fund to ensure the technological viability of the center. Each participating entity shall contribute to this fund in a manner similar to the cost-distribution formulas established under section 1514.

Sec. 2. P&SL 1999, c. 85 is repealed.

Sec. 3. Contingent effective date; creation of center. That section of this Act that enacts the Maine Revised Statutes, Title 25, chapter 192 takes effect when 2 or more entities eligible to participate in the establishment of the Central Maine Regional Public Safety Communication Center under this Act, one of which must be the Maine State Police, indicate their intention to participate in the center by vote or signature of their governing authority within 210 days but not less than 150 days after adjournment of the First Regular Session of the 120th Legislature, except that in no event may this chapter take effect within 90 days after adjournment of the First Regular Session of the 120th Legislature. Upon receiving appropriate notice, the Commissioner of Public Safety shall call the first meeting of the governing council, which constitutes the creation of the center.

See title page for effective date, unless otherwise indicated.