

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
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SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 103

H.P. 950 - L.D. 1296

An Act To Amend the Maine State Grant Program

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

Sec. 1. 20-A MRSA §11613, first ¶, as amended by PL 2001, c. 480, §1, is further amended to read:

The authority shall establish the need of a student for a Maine State Grant for an academic year for which the student applies. A student is considered to have a need to qualify for a grant if the total of the cost of attendance of the student, minus the expected family contribution for the student, together with any Pell Grant established pursuant to the Higher Education Act of 1965, Title IV, as amended, United States Code, Title 20, and a Maine State Grant does not exceed 75% of minus estimated student financial assistance not received under this program, is greater than zero. The total of the expected family contribution, together with any other student financial assistance received by the student, may not exceed the cost of attendance at the institution the student attends. This section does not require that a student receive, apply for or be eligible for a Pell Grant but only that the amount of any Pell Grant that a student is entitled to receive must be included in calculating the amount of a Maine State Grant whether or not the student receives the Pell Grant.

See title page for effective date.

CHAPTER 104

S.P. 474 - L.D. 1437

An Act To Amend Marine Resources Special License Requirements for Educational Programs

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

Sec. 1. 12 MRSA §6074, sub-§8, ¶¶D and E, as enacted by PL 1995, c. 567, §2, are amended to read:

D. A person who undertakes a public service activity; ~~or~~

E. A municipality that operates a hydraulic or mechanical soft-shell clam dredge for municipal transplanting projects under section 6623-; or

Sec. 2. 12 MRSA §6074, sub-§8, ¶F is enacted to read:

F. A teacher who is providing a primary or secondary school program.

See title page for effective date.

CHAPTER 105

H.P. 1055 - L.D. 1443

An Act To Clarify the Duties Relating to County Taxes and Remove Obsolete References to the Secretary of State

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

Sec. 1. 30-A MRSA §701, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Forms. The county estimates must be made ~~on forms and~~ in the manner approved by the Department of Audit. ~~The Secretary of State shall provide copies of these forms to the county commissioners of each county no later than September 19th of each year.~~

Sec. 2. 30-A MRSA §702, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

§702. Estimates recorded and sent to State Auditor

The county clerk shall record the estimates made under section 701. A copy of the estimates must be signed by the chair of the county commissioners and attested to by the county commissioners' clerk. The clerk shall transmit that copy to the State Auditor on or before the first day of each January, who shall retain the copy for 3 years. These records are a public record at the office of the county commissioners in the county that submitted those records.

Sec. 3. 30-A MRSA §704, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Anticipated federal funds. Any county which receives federal funds shall provide for the expenditure of those funds in accordance with the laws and procedures governing the expenditure of its own revenue and shall record estimates of the expenditure

as provided in section 702, ~~except as provided in subsection 2.~~

See title page for effective date.

CHAPTER 106

H.P. 317 - L.D. 409

An Act To Allow a Court To Order the Cancellation of a Life Insurance Policy as Part of a Protection from Abuse Proceeding

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

Sec. 1. 19-A MRSA §4007, sub-§1, ¶F-1 is enacted to read:

F-1. Ordering the termination of a life insurance policy or rider under that policy owned by the defendant if the plaintiff is the insured life under the policy or rider. Upon issuance, a copy of the court order must be sent to the insurer that issued the policy;

See title page for effective date.

CHAPTER 107

H.P. 499 - L.D. 682

An Act To Change the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector

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

Sec. 1. 32 MRSA §3401, first ¶, as amended by PL 1989, c. 503, Pt. B, §140, is further amended to read:

~~A- The Plumbers' Examining Board, as established by Title 5, section 12004-A, subsection 32, shall consist~~ consists of 5 members, ~~who shall be~~ appointed by the Governor. One of the members ~~shall~~ must be a representative of the public, 2 ~~shall~~ must be master plumbers as defined in section 3301, ~~and 2 shall~~ one must be a journeyman plumber ~~plumber~~ as defined in section 3301, ~~both of whom have~~ who has been engaged in the business of plumbing for at least 2 years ~~and one must be a local plumbing inspector who has been engaged in plumbing inspections for at least 4 years and is employed by a municipality.~~

Sec. 2. Effective date. This Act takes effect June 19, 2005.

Effective June 19, 2005.

CHAPTER 108

H.P. 331 - L.D. 423

An Act To Improve the Process of Credentialling Health Care Providers

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

Sec. 1. 24-A MRSA §4303, sub-§2, as amended by PL 1997, c. 163, §1, is further amended to read:

2. Credentialling. The credentialling of providers by a carrier ~~offering a managed care plan~~ is governed by this subsection.

A. The granting of credentials must be based on objective standards that are available to providers upon application for credentialling. A carrier shall consult with appropriately qualified health care professionals in developing its credentialling standards.

B. All credentialling decisions, including those granting, denying or withdrawing credentials, must be in writing. The provider must be provided with all reasons for the denial of an application for credentialling or the withdrawal of credentials. A withdrawal of credentials must be treated as a provider termination and is subject to the requirements of subsection 3-A.

C. A carrier shall establish and maintain an appeal procedure, including the provider's right to a hearing, for dealing with provider concerns relating to the denial of credentialling for not meeting the objective credentialling standards of the plan and the contractual relationship between the carrier and the provider. The superintendent shall determine whether the process provided by a carrier is fair and reasonable. This procedure must be specified in every contract between a carrier and a provider or between a carrier and a provider network if a carrier does not contract with providers individually.

D. A carrier shall make credentialling decisions, including those granting or denying credentials, within 60 days of receipt of a completed credentialling application from a provider. The time period for granting or denying credentials may be extended upon written notification from the carrier within 60 days following submission of a