

# 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**  
**FEBRUARY 13, 2003**

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

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

D. An employee of the council may return to state employment at any time up to 2 years from the effective date of this section. Employees expressing such a preference must be placed on the appropriate registers maintained by the Department of Administrative and Financial Services, Bureau of Human Resources and must be treated as though on recall in accordance with current collective bargaining provisions.

**Sec. 4. Effective date.** This Act takes effect September 30, 2003.

**Sec. 5. Transfer of funds.** The State Budget Officer is authorized to eliminate headcount and transfer funds by financial order in fiscal year 2003-04 from the Department of Behavioral and Developmental Services' Personal Services Federal Expenditures Fund allocations to the All Other line category of the Maine Developmental Disabilities Council to reflect the council as a public instrumentality of the State. The State Budget Officer shall consult with the Commissioner of Behavioral and Developmental Services on the amount to be transferred and may not transfer funds required to support the costs associated with the elimination of state employees and the establishment of the council as an independent advisory agency. Transfers made pursuant to this section are considered adjustments to allocations in fiscal year 2003-04.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**BEHAVIORAL AND DEVELOPMENTAL SERVICES,  
DEPARTMENT OF**

**Maine Developmental Disabilities Council 0977**

Initiative: Eliminates position count and provides for a line category transfer from Personal Services to All Other to reflect the Maine Developmental Disabilities Council as an independent advisory agency.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-4.000)
Personal Services	\$0	(\$281,802)
All Other	0	281,802
Federal Expenditures Fund Total	\$0	\$0

Effective September 30, 2003.

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**CHAPTER 418**

**H.P. 283 - L.D. 363**

**An Act to Ensure Patient Access to  
Medical Records**

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

**Sec. 1. 22 MRSA §1711, 5th ¶**, as amended by PL 1997, c. 793, Pt. A, §1 and affected by §10, is further amended to read:

Reasonable costs incurred by the hospital in making and providing copies of medical records and additions to medical records; must be borne by the requesting person and the hospital may require payment prior to responding to the request. The charge for copies of records may not exceed \$10 for the first page and 35¢ for each additional page.

**Sec. 2. 22 MRSA §1711-A**, as amended by PL 1997, c. 793, Pt. A, §2, affected by PL 1999, c. 3, §§3 and 5 and affected by c. 512, Pt. A, §6, is further amended to read:

**§1711-A. Fees charged for records**

Whenever a health care practitioner defined in section 1711-B furnishes requested copies of a patient's treatment record or a medical report or an addition to a treatment record or medical report to the patient or the patient's authorized representative, the charge for the copies or the report may not exceed the reasonable costs incurred by the health care practitioner in making and providing the copies or the report. The charge for copies of records may not exceed \$10 for the first page and 35¢ for each additional page.

See title page for effective date.

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**CHAPTER 419**

**S.P. 444 - L.D. 1356**

**An Act To Improve Complaint  
Resolution and Hearing Procedures  
in the Department of Human  
Services**

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

**Sec. 1. 22 MRSA §13, sub-§6** is enacted to read:

**6. Limitation on actions to recover overpayments.** The department may impose a sanction or withhold payment from a MaineCare provider in order to recover or impose penalties for an overpayment for services rendered or goods delivered under the MaineCare program as provided in this subsection.

A. The department may impose a sanction or withhold payment when the department has ob-