

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

.....
(address) (city) (state) (zip code)

.....
(home phone) (work phone)

(2) AGENT'S AUTHORITY: My agent is authorized to make all health-care decisions for me, including decisions to provide, withhold or withdraw artificial nutrition and hydration and all other forms of health care to keep me alive, except as I state here:

.....
.....
.....
(Add additional sheets if needed.)

(3) WHEN AGENT'S AUTHORITY BECOMES EFFECTIVE: My agent's authority becomes effective when my primary physician determines that I am unable to make my own health-care decisions unless I mark the following box. If I mark this box [], my agent's authority to make health-care decisions for me takes effect immediately.

(4) AGENT'S OBLIGATION: My agent shall make health-care decisions for me in accordance with this power of attorney for health care, any instructions I give in Part 2 of this form and my other wishes to the extent known to my agent. To the extent my wishes are unknown, my agent shall make health-care decisions for me in accordance with what my agent determines to be in my best interest. In determining my best interest, my agent shall consider my personal values to the extent known to my agent.

(5) NOMINATION OF GUARDIAN: If a guardian of my person needs to be appointed for me by a court, I nominate the agent designated in this form. If that agent is not willing, able or reasonably available to act as guardian, I nominate the alternate agents whom I have named, in the order designated.

(6) HEALTH INFORMATION AND OTHER MEDICAL RECORDS: In addition to the other powers granted by this document, I grant to my agent the power and authority to serve as my personal representative for all purposes of the federal Health Insurance Portability and Accountability Act of 1996, 42 United States Code, Section 1320d et seq., "HIPAA," and its regulations, 45 Code of Federal Regulations 160-164, during any time that my agent is exercising authority under this document. I intend for my agent to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information and other medical records. This release authority applies to any information governed by HIPAA.

I authorize any physician, health-care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health-care provider, any

insurance company and any health-care clearinghouse that has provided treatment or services to me or that has paid for, or is seeking reimbursement from me for, such services to give, disclose and release to my agent, without restriction, all of my individually identifiable health information and medical records regarding any past, present or future medical or mental health condition, to include all information relating to the diagnosis and treatment of HIV/AIDS, sexually transmitted diseases, mental illness and drug or alcohol abuse.

The authority given to my agent supersedes any prior agreement that I may have made with my health-care providers to restrict access to or disclosure of my individually identifiable health information. The authority given to my agent has no expiration date and expires only in the event that I revoke the authority in writing and deliver it to my health-care providers.

See title page for effective date, unless otherwise indicated.

CHAPTER 619

H.P. 604 - L.D. 827

An Act Regarding Wildlife Habitat Conservation

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

Sec. 1. 36 MRSA §1102, sub-§10 is enacted to read:

10. Wildlife habitat. "Wildlife habitat" means land that is subject to a written management agreement between the landowner and either the Department of Inland Fisheries and Wildlife or the Department of Conservation to ensure that the habitat benefits provided by the land are not lost. Management agreements may be revised or updated by mutual consent of both parties at any time. Management agreements must be renewed at least every 10 years. "Wildlife habitat" must also meet one of the following criteria:

A. The land is designated by the Department of Inland Fisheries and Wildlife as supporting important wildlife habitat;

B. The land supports the life cycle of any species of wildlife as identified by the Department of Inland Fisheries and Wildlife;

C. The land is identified by the Department of Conservation as supporting a natural vegetation community; or

D. The land is designated as a resource protection area in a comprehensive plan, zoning ordinance or zoning map.

Sec. 2. 36 MRSA §1109, sub-§3, ¶M, as amended by PL 2003, c. 414, Pt. B, §51 and affected by Pt. D, §7, is further amended to read:

M. The identification of the land or of outstanding natural resources on the land by a legislatively mandated program, on the state, local or federal level, as particular areas, parcels, land types or natural resources for protection including, but not limited to, the Register of Critical Areas under Title 5, chapter 312; the laws governing wildlife sanctuaries and management areas under Title 12, section 10109, subsection 1 and sections 12706 and 12708; the laws governing the State's rivers under Title 12, chapter 200; the natural resource protection laws under Title 38, chapter 3, subchapter 1, article 5-A; and the Maine Coastal Barrier Resources Systems under Title 38, chapter 21; ~~or~~

Sec. 3. 36 MRSA §1109, sub-§3, ¶N, as enacted by PL 1989, c. 748, §4, is amended to read:

N. Whether the land contains historic or archeological resources listed in the National Register of Historic Places or is determined eligible for such a listing by the Maine Historic Preservation Commission, either in its own right or as contributing to the significance of an adjacent historic or archeological resource listed, or eligible to be listed, in the National Register of Historic Places; ~~or~~

Sec. 4. 36 MRSA §1109, sub-§3, ¶O is enacted to read:

O. Whether there is a written management agreement between the landowner and the Department of Inland Fisheries and Wildlife or the Department of Conservation as described in section 1102, subsection 10.

See title page for effective date.

CHAPTER 620

H.P. 735 - L.D. 1014

An Act To Enhance Professionalism of Private Investigators in this State

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

Sec. 1. 32 MRSA §8109, as amended by PL 1991, c. 780, Pt. H, §1, is further amended to read:

§8109. Renewal of license

Each private investigator's license is valid for an initial term of 2 years and is, unless revoked or suspended, renewable biennially every 4 years after the initial term.

Sec. 2. 32 MRSA §8110, sub-§3, as enacted by PL 1981, c. 126, §2, is amended to read:

3. Term of license. The license is valid for ~~one year~~ 2 years from the date of issuance and is not renewable; ~~except that the commissioner may, upon good cause shown, extend the license for any term not to exceed 6 months.~~

Sec. 3. 32 MRSA §8114, sub-§2, ¶A, as enacted by PL 1981, c. 126, §2, is amended to read:

A. To make any representation which, including, but not limited, to presentation of a badge, that suggests, or which that would reasonably cause another person to believe, that he the licensed private investigator or investigative assistant is a sworn peace officer of this State, any political subdivision thereof, or any other state or of the Federal Government;

Sec. 4. 32 MRSA §8117, sub-§1, as amended by PL 1991, c. 780, Pt. H, §2, is further amended to read:

1. Amount. The fee for an original biennial license is \$400, of which \$50 must be submitted with the application and \$350 must be submitted upon issuance of the license. The fee for a ~~biennial~~ 4-year renewal is ~~\$200~~ \$400, which is refundable upon denial of renewal. The fee for an investigative assistant's license is ~~\$300~~ \$600, of which ~~\$100~~ \$200 must be submitted with the application and ~~\$200~~ \$400 must be submitted upon issuance of the license.

Sec. 5. 32 MRSA §8121 is enacted to read:

§8121. Confidentiality when under contract to law enforcement agency

A private investigator or investigative assistant who enters into a written contract with a law enforcement agency in this State to provide investigative services or consultation to the law enforcement agency is subject to the same provisions of law regarding confidentiality as are employees of the law enforcement agency with which the private investigator or investigative assistant is under contract.

See title page for effective date.
