

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

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

Sec. 1. 9-A MRSA §1-202, sub-§7, as amended by PL 1987, c. 129, §10, is further amended to read:

7. A loan or consumer credit sale made exclusively for the purpose of deferring or financing educational expenses and on which the finance charge does not exceed that rate per year on the unpaid balances of the amount financed, as ~~shall be~~ established by federal law, or, for loans or consumer credit sales for which federal law does not establish a rate, the highest rate established for educational loans under any federal program and which is insured, guaranteed, subsidized or made directly by the Federal Government, a state, a nonprofit private loan guaranty or organization, by the educational institution itself or through an endowment or trust fund affiliated with such an institution; ~~or~~

Sec. 2. 9-A MRSA §1-202, sub-§8, ¶C, as amended by PL 1987, c. 396, §2, is further amended to read:

C. With respect to a creditor other than a supervised financial organization, the exemption provided by this subsection ~~shall apply~~ applies to articles II Articles 2, III 3, IV 4 and V 5 only; or

Sec. 3. 9-A MRSA §1-202, sub-§10 is enacted to read:

10. A no-interest loan or credit sale by a nonprofit organization that assists in building or renovating housing for those in need. The exclusion in this subsection does not apply to Article 6, Part 1; section 6-201; section 6-202; section 6-203, subsection 1; section 6-204; or Article 8.

See title page for effective date.

CHAPTER 56

H.P. 428 - L.D. 595

An Act To Allow the Department of Marine Resources To Preserve and Protect Burnt Island and Burnt Island Living Lighthouse and To Regulate Their Use

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Burnt Island is open to the public 7 days a week from April to October; and

Whereas, the Department of Marine Resources needs the authority to regulate the use of Burnt Island, to protect the island's ecosystems and to conserve this fragile resource; and

Whereas, immediate enactment of this law is necessary to ensure that regulations are in place for the opening of Burnt Island and the Burnt Island Living Lighthouse in April 2005; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §6030-A is enacted to read:

§6030-A. Burnt Island; Burnt Island Living Lighthouse; rules

The commissioner may adopt such rules as are necessary to protect and preserve Burnt Island and the Burnt Island Living Lighthouse. In addition, the commissioner may adopt such rules as are necessary to provide for the successful implementation of the department-authorized educational and recreational programs that are conducted on the island. The rules may include restrictions on public access to Burnt Island and the Burnt Island Living Lighthouse as determined reasonably necessary for these purposes.

Rules adopted pursuant to the section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 21, 2005.

CHAPTER 57

H.P. 318 - L.D. 433

An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act authorizes the establishment of a dedicated account to increase funds available for programs within the Department of Conservation; and

Whereas, the funding is generated by the sale of merchandise to the public and anticipated sales will be greatest during the summer months when numbers of visits to state parks and historic sites are high; and

Whereas, the additional funding provided from sales will assist the Department of Conservation in its mission of providing recreational opportunities and serving as an exemplary steward of the public lands of the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §5012-A is enacted to read:

§5012-A. Dedicated accounts for sales of merchandise and acceptance of donations

The commissioner may create dedicated accounts in which to deposit money received from the sale of general merchandise products such as, but not limited to, t-shirts, audio and video recordings, coffee mugs, tote bags and calendars. Funds received by the commissioner from the sale of general merchandise products must be deposited in a dedicated account to be used only for the purpose of promoting and improving department programs. The commissioner may also accept money, goods and services donated to the department to support specific programs carried out by the department. Any money donated to the department in support of a specific program must be deposited into a dedicated account for the purpose of funding activities carried out by that program.

Merchandise sold by the commissioner must be of good quality and appropriate for sale by the department. To the extent the commissioner needs to contract with vendors to obtain goods or services in order to develop, create or manufacture merchandise for sale, the commissioner shall, to the maximum extent practicable, contract with vendors located in this State. The commissioner shall register with the United States Library of Congress, United States Copyright Office a copyright in any original pictorial, graphic or other artwork or original work of authorship produced by or under the direction of the department as a work made for hire that is used in merchandise sold by the department. The commis-

sioner may use, manage or administer any copyright held by or license to use copyrighted materials obtained by the department and may manage the copying, use and dissemination of copies of copyrighted materials in which the department holds a copyright or license.

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

CONSERVATION, DEPARTMENT OF

Administrative Services - Conservation 0222

Initiative: Provides allocations for the newly established General Merchandise and Donations account.

OTHER SPECIAL REVENUE			
FUNDS		2005-06	2006-07
All Other		\$5,000	\$5,000
OTHER SPECIAL		REVENUE	
FUNDS TOTAL		\$5,000	\$5,000

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 21, 2005.

CHAPTER 58

H.P. 433 - L.D. 600

An Act To Save the Health Care System Money by Ensuring Timely Denials of Claims

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

Sec. 1. 24-A MRSA §2436, sub-§1-A is enacted to read:

1-A. A claimant, including a health care provider, may submit simultaneously a claim for payment with all carriers potentially liable for payment of the claim whether primary or secondary. Payment or denial of a claim by each carrier must be made within 30 calendar days after the carrier has received all information needed to pay or deny the claim whether or not another carrier with which it is attempting to coordinate has acted on the claim. Any payment made must be in accordance with rules adopted by the superintendent relative to coordination of benefits.

See title page for effective date.