

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

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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

CHAPTER 95

S.P. 154 - L.D. 528

**An Act To Exempt Insurers of
Commercial Vehicle Fleets from the
Requirement of Notification to the
Secretary of State When Insurance Is
Cancelled**

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

Sec. 1. 29-A MRSA §1601-A, sub-§6 is enacted to read:

6. Fleet insured with commercial automobile coverage. A company insuring a fleet of 3 or more vehicles with commercial fleet automobile coverage is exempt from the requirements of this section with respect to that fleet.

For the purposes of this subsection, "commercial automobile coverage" means any coverage provided to an insured, regardless of number of vehicles or entity covered, under a commercial automobile, garage or truckers coverage form and rated according to either a commercial manual or a rating rule as filed with and approved by the Bureau of Insurance. Vehicle type and ownership are not the primary factors in either underwriting the coverage or rating the coverage. The rating may be subject to individual risk characteristics, including, but not limited to, experience rating, schedule rating, loss rating and deductible rating.

See title page for effective date.

CHAPTER 96

H.P. 420 - L.D. 565

**An Act To Amend the Law
Regarding Fishing Derbies**

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

Whereas, students may not be able to obtain adequate funding for the upcoming academic school year unless this bill takes effect in time to allow academic fishing derbies to take place during this year's open-water fishing season; 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 §12504, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Permit required. Except as provided in ~~section~~ sections 12504-A and 12505, a person may not conduct a fishing derby or fishing tournament without a valid permit issued under this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

Sec. 2. 12 MRSA §12504-A is enacted to read:

§12504-A. Fishing derby permits for educational institutions

1. Permit required. A person may not conduct a fishing derby held by an educational institution that awards prizes in excess of \$10,000 for a single fishing derby without a permit issued under this section. For purposes of this section, "educational institution" means an accredited postsecondary educational institution incorporated, chartered or established under the laws of the State.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

2. Application. An educational institution seeking approval to conduct a fishing derby pursuant to this section must submit an application to the commissioner in a manner and form to be designated by the commissioner. The application must include the educational institution's derby rules, any amendments or changes to the rules and a schedule of the dates, places and times of the proposed derby. The department shall accept applications after January 1st annually for derbies to be held during that year and process those applications in the order of receipt.

3. Restrictions and requirements. The following restrictions and requirements apply to permits issued under this section.

A. Rules adopted by the commissioner pursuant to section 12504 are applicable to permits issued under this section, except rules limiting the cash value of prizes or concerning an ice fishing derby.

B. A fishing derby may be conducted only in bodies of water free of ice.

C. A person may not participate as an angler in a fishing derby unless that person is affiliated with the sponsoring educational institution, either as a student, a parent or sibling of a student, an alumnus or a staff member of the educational institution. A student may invite a single guest to participate in a derby held under this section.

For purposes of this paragraph, "student" includes a current or incoming student.

D. At least 80% of the prizes awarded at a fishing derby must be in the form of scholarships.

E. An angler participating in a fishing derby may not use a motorboat.

F. A fishing derby may not target cold-water species.

G. A fishing derby must be an event that is only catch and release or catch, measure and release.

H. An angler participating in a fishing derby may not have more than one rod per person or more than 2 rods per boat.

I. An angler participating in a fishing derby may use artificial lures only.

4. Rules. The commissioner may adopt rules necessary to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Penalty. Except as provided in section 12602, the following penalties apply to violations of subsection 3 or rules adopted under subsection 4.

A. A person who violates subsection 3 or a rule adopted pursuant to subsection 4 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates subsection 3 or a rule adopted under subsection 4 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

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

Effective May 12, 2005.

CHAPTER 97

S.P. 140 - L.D. 416

An Act To Amend the Laws Regarding Submission of Health Insurance Claims

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

Sec. 1. 24-A MRSA §1912, as amended by PL 2003, c. 469, Pt. D, §3 and affected by §9, is further amended to read:

§1912. Standardized claim forms

All administrators who administer claims and who provide payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed health care practitioner must accept the current standardized claim form for professional services approved by the Federal Government and submitted electronically. All administrators who administer claims and who provide payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed hospital must accept the current standardized claim form for professional or facility services, as applicable, approved by the Federal Government and submitted electronically. An administrator may not be required to accept a claim submitted on a form other than the applicable form specified in this section and may not be required to accept a claim that is not submitted electronically, except from a health care practitioner who is exempt pursuant to Title 24, section 2985. All services provided by a health care practitioner in an office setting must be submitted on the standardized federal form used by noninstitutional providers and suppliers. Services in a nonoffice setting may be billed as negotiated between the administrator and health care practitioner. For purposes of this section, "office setting" means a location where the health care practitioner routinely provides health examinations, diagnosis and treatment of illness or injury on an ambulatory basis whether or not the office is physically located within a facility.

Sec. 2. 24-A MRSA §2753, as amended by PL 2003, c. 469, Pt. D, §6 and affected by §9, is further amended to read:

§2753. Standardized claim forms

All insurers providing individual medical expense insurance on an expense-incurred basis providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a health care practitioner must accept the current standardized claim form for professional services approved by the Federal Government and submitted electronically. All