

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

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Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 357

H.P. 737 - L.D. 1084

**An Act Concerning Gift Obligations,
Stored-value Cards and Prefunded
Bank Cards**

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

Sec. 1. 33 MRSA §1952, sub-§4-A, as enacted by PL 2003, c. 339, §1, is amended to read:

4-A. Face value. "Face value" means the original purchase price or original issued value of a gift obligation, prefunded bank card or stored-value card if unused or, if partially used, the remaining balance prior to the deduction of any service charges, fees or dormancy charges when not prohibited.

Sec. 2. 33 MRSA §1952, sub-§§10-A and 12-A are enacted to read:

10-A. Multiple merchants. "Multiple merchants" means all merchants of goods or services, not just those associated with the issuer of a prefunded bank card or a particular business or group of businesses, that accept electronic transactions.

12-A. Prefunded bank card. "Prefunded bank card" means a device issued by a financial organization that enables the holder to transfer the underlying funds to multiple merchants at the merchants' point-of-sale terminals. For purposes of this subsection, "underlying funds" means the funds received by the financial organization that issued the card in exchange for the issuance of the card. A prefunded bank card must provide value from multiple merchants.

Sec. 3. 33 MRSA §1952, sub-§13, ¶B, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

B. Credit balance, customer's overpayment, gift certificate, gift obligation, prefunded bank card, stored-value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds or unidentified remittance;

Sec. 4. 33 MRSA §1953, sub-§1, ¶G, as amended by PL 2005, c. 12, Pt. GG, §1, is repealed and the following enacted in its place:

G. A gift obligation or stored-value card, 2 years after December 31st of the year in which the obligation or the most recent transaction involving the obligation or stored-value card occurred, whichever is later, including the initial issuance and any subsequent addition of value to the obligation or stored-value card. A period of

limitation may not be imposed on the owner's right to redeem the gift obligation or stored-value card. The amount unclaimed is 60% of the gift obligation's or stored-value card's face value. Notwithstanding section 1956, fees or charges may not be imposed on gift obligations or stored-value cards, except that the issuer may charge a transaction fee for the initial issuance and for each occurrence of adding value to an existing gift obligation or stored-value card. These transaction fees must be disclosed in a separate writing prior to the initial issuance or referenced on the gift obligation or stored-value card. This paragraph does not apply to prefunded bank cards;

Sec. 5. 33 MRSA §1953, sub-§1, ¶G-1 is enacted to read:

G-1. A prefunded bank card, 3 years after December 31st of the year in which the obligation or the most recent activity involving the prefunded bank card occurred, whichever is later, including the initial issuance and any subsequent addition of value to the prefunded bank card. A period of limitation may not be imposed on the owner's right to redeem the prefunded bank card. Any terms and conditions must be disclosed in a separate writing prior to the initial issuance and referenced on the prefunded bank card;

See title page for effective date.

CHAPTER 358

H.P. 954 - L.D. 1368

**An Act To Protect Small Forest
Landowners**

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

Sec. 1. 12 MRSA §8005 is enacted to read:

§8005. Certain information confidential

1. Contact information. Social security numbers, addresses, telephone numbers and electronic mail addresses of landowners owning less than 1,000 acres of forest land statewide and collected by the bureau for the purposes of contacting landowners under section 8611, or received by the bureau in notifications filed under section 8883-B, or in reports received under Title 36, section 581-G are confidential and may be disclosed only in accordance with this section.

2. Forest management plan and information. Social security numbers, forest management plans and supporting documentation of forest management

activities on private forest land and held by the bureau for the purposes of administering landowner assistance programs authorized under this chapter and chapter 805 are confidential and may be disclosed only in accordance with this section.

3. Disclosure. Except as provided in subsection 4, the director may disclose confidential information in accordance with this subsection. Confidential information disclosed pursuant to this subsection remains the property of the bureau. Recipients of the confidential information may not disclose this information or use this information except as authorized by the director.

A. The director may disclose information designated as confidential under this section to a governmental entity that, in the opinion of the director, requires this information.

B. The director shall provide names, addresses and electronic mail addresses upon request to a nonprofit corporation that provides educational services to forest landowners regarding sound forest management as long as the information disclosed is used to provide information about forest management.

4. Information designated as confidential by state or federal agency. The director may not disclose information furnished to the director that has been designated as confidential by a state or federal agency furnishing the information unless disclosure is authorized by the furnishing agency.

5. Penalty. A person who receives confidential information pursuant to subsection 3, paragraph B and uses that information for a purpose other than that authorized by the director commits a civil violation punishable by a fine of not more than \$1,000.

Sec. 2. 12 MRSA §8611, sub-§1, as amended by PL 2003, c. 346, §1, is further amended to read:

1. Forest management information. The bureau shall provide a forest management information clearinghouse service with a statewide toll-free number. The information and referral service must include, but is not limited to:

- A. Reporting, notification and management requirements pursuant to this chapter;
- B. Timber and forest management options;
- C. Soil conservation practices;
- D. Insect and disease management practices;
- E. Recreation management options; and

F. Wildlife management options.

Names, addresses, telephone numbers and electronic mail addresses collected by the bureau for the purpose of contacting forest landowners owning less than 1,000 acres statewide to provide them with forest management information are not a public record for the purposes of Title 1, section 402, subsection 3 confidential and may be disclosed only in accordance with section 8005. The bureau shall provide copies of forest management information sent to landowners to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters.

Sec. 3. 12 MRSA §8883-B, sub-§8 is enacted to read:

8. Confidentiality. The addresses, telephone numbers and electronic mail addresses of forest landowners owning less than 1,000 acres statewide contained in notifications filed under this section are confidential and may be disclosed only in accordance with section 8005.

Sec. 4. 36 MRSA §581-E, as enacted by PL 1989, c. 555, §18, is repealed.

Sec. 5. 36 MRSA §581-G is enacted to read:

§581-G. Report to Bureau of Forestry

1. Municipal report. The municipal assessor or chief assessor of a primary assessing area shall report annually to the Department of Conservation, Bureau of Forestry by November 1st or 30 days following the tax commitment date, whichever is sooner, the following information relating to land taxed according to this subchapter:

- A. The names and addresses of forest landowners;
- B. The total number of acres taxed pursuant to this subchapter, including a breakdown of forest type, by softwood, mixed wood and hardwood;
- C. The year each parcel was first accepted for taxation under this subchapter;
- D. The year of the most recent recertification of each parcel; and
- E. The tax map number, plan number and lot number for each parcel listed.

2. Forms. The Department of Conservation, Bureau of Forestry shall annually provide municipalities with forms for submitting the information required under subsection 1. To the extent that the bureau has the required information, the bureau shall include that information on the forms.

3. Confidentiality. Addresses, telephone numbers and electronic mail addresses of forest landowners owning less than 1,000 acres statewide contained in reports filed under this section are confidential when in possession of the Department of Conservation, Bureau of Forestry and may be disclosed only in accordance with Title 12, section 8005.

See title page for effective date.

CHAPTER 359

H.P. 1106 - L.D. 1568

An Act To Allow Nurse Practitioners To Sign Death Certificates

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

Whereas, nurse practitioners' signatures on death certificates will provide convenience to families and save money by utilizing appropriate and close-by medical personnel; and

Whereas, amending the law to allow for death certificate signatures by nurse practitioners at the earliest possible date will begin the realization of savings immediately; 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. 22 MRSA §2842, sub-§2, as amended by PL 2003, c. 74, §1 and c. 689, Pt. B, §6, is further amended to read:

2. Medical certificate by physician or nurse practitioner. The medical certification of the cause of death must be completed in typewritten or legibly hand-printed style and signed in a timely fashion by a physician or nurse practitioner authorized to practice in the State who has knowledge of the patient's recent medical condition, in accordance with department regulations and other laws detailing who can certify and in what time frame, except when the death falls under the jurisdiction of the medical examiner as provided in section 3025. If the patient was a resident of a nursing home licensed under section 1817 at the time of death and if the physician health care provider in charge of the patient's care or another physician health care provider designated by the physician health

care provider in charge had not examined the patient within 48 hours prior to death, or within 2 weeks prior to death in the case of a terminally ill patient, the physician health care provider in charge or another physician health care provider designated by the physician health care provider in charge shall examine the body prior to completing the certification of death process. Any physician health care provider who fails to complete the medical certification of the cause of death fully, in typewritten or legibly hand-printed style and in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death as required by this section must be reported to the Board of Licensure in Medicine ~~or~~ the Board of Osteopathic Licensure or the State Board of Nursing, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Health and Human Services.

For the purposes of this subsection, the following terms have the following meanings.

A. "Life-sustaining procedure" means any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the dying process and does not include nutrition and hydration.

B. "Terminally ill patient" means a patient who has been diagnosed as having an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician health care provider, result in death within a short time.

C. "Health care provider" means a physician authorized to practice in this State or nurse practitioner.

D. "Nurse practitioner" means an advanced practice registered nurse who is a certified nurse practitioner authorized to practice without the supervision of a physician pursuant to Title 32, chapter 31.

Sec. 2. 22 MRSA §2842, sub-§2-A, as enacted by PL 2003, c. 433, §2, is amended to read:

2-A. Medical certification. Notwithstanding subsection 2, with respect to a person who dies within the State naturally and for whom the physician or nurse practitioner was the attending physician health care provider, the medical certification of the cause of death may be completed and signed by a physician or nurse practitioner authorized to practice at the Veterans Administration Hospital at Togus or at another federal medical facility within the State or by a physician or an advanced practice registered nurse licensed to practice in New Hampshire, Vermont or Massachusetts, who, at the request of the Chief Medical Examiner, is willing to do so.