

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

(c) In a source water protection area as defined in Title 30-A, section 2001, subsection 20-A.

The provisions of this subparagraph do not apply to a trail designated for ATV use by the Department of Conservation. The provisions of this subparagraph also do not apply to a person accessing land for maintenance or inspection purposes with the landowner's permission or to local, state or federal government personnel in the performance of official duties, provided there is no significant ground disturbance or sedimentation of water bodies.

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged.

(2) A person who violates this subsection 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.

**Sec. E-27. 12 MRSA §13159**, as amended by PL 2003, c. 655, Pt. B, §417 and affected by §422 and amended by c. 695, Pt. B, §24 and affected by Pt. C, §1, is repealed and the following enacted in its place:

**§13159. Racing meets**

Notwithstanding section 13155 and section 13157-A, subsection 15, subsection 16, paragraph A, subsection 17 and subsection 25, ATVs used exclusively for scheduled racing meets and operated solely on predefined race courses are exempt from the provisions of this chapter concerning registration, mufflers, snorkel kits and lights during the time of operation at these meets and at all prerace practices at the location of the meets.

**PART F**

**Sec. F-1. 17 MRSA §1031, sub-§1-B**, as amended by PL 2003, c. 452, Pt. I, §15 and affected by Pt. X, §2, is further amended to read:

**1-B. Aggravated cruelty to animals.** A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

A. Causes extreme physical pain to an animal;

B. Causes the death of an animal; or

C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective June 17, 2005, unless otherwise indicated.

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**CHAPTER 398**

**H.P. 287 - L.D. 385**

**An Act To Limit the Liability of Ambulance Services in Maine**

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

**Sec. 1. 14 MRSA §8102, sub-§1-A**, as amended by PL 1995, c. 161, §1, is repealed and the following enacted in its place:

**1-A. Emergency medical service.** "Emergency medical service" means:

A. A nonprofit, incorporated ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B, receiving full or partial financial support from or officially recognized by the State, a municipality or county or an entity created under Title 30-A, chapter 115 or 119, except when the emergency medical service is acting outside the scope of activities expressly authorized by the State, municipality, county or entity created under Title 30-A, chapter 115 or 119; and

B. A for-profit, incorporated ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B only when the emergency medical service is acting within the scope of emergency response activities expressly authorized by a contract between the emergency medical service and the State, municipality, county or entity created under Title 30-A, chapter 115 or 119.

**Sec. 2. 32 MRSA §93-C** is enacted to read:

**§93-C. Liability insurance**

**1. Procurement of coverage.** An ambulance service may not be required to procure liability insurance coverage that exceeds the liability limits specified in Title 14, sections 8104-D and 8105 while acting as an emergency medical service as defined in Title 14, section 8102, subsection 1-A.

**2. Coverage required by insurer.** An insurer providing insurance to an ambulance service may not require coverage that exceeds the liability limits specified in subsection 1.

See title page for effective date.

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**CHAPTER 399**

**H.P. 629 - L.D. 910**

**An Act To Include Regional  
Transportation Systems under the  
Maine Tort Claims Act**

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

**Sec. 1. 14 MRSA §8102, sub-§3,** as amended by PL 1997, c. 234, §1, is further amended to read:

**3. Political subdivision.** "Political subdivision" means any city, town, plantation, county, administrative entity or instrumentality created pursuant to Title 30-A, chapters 115 and 119, incorporated fire fighting unit that is organized under Title 13-B and is officially recognized by any authority created by statute, quasi-municipal corporation and special purpose district, including, but not limited to, any water district, sanitary district, hospital district, school district of any type, any volunteer fire association as defined in Title 30-A, section 3151, a transit district as defined in Title 30-A, section 3501, subsection 1, a regional transportation corporation as defined in Title 30-A, section 3501, subsection 2, and any emergency medical service.

See title page for effective date.

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**CHAPTER 400**

**S.P. 555 - L.D. 1577**

**An Act To Modify Savings Offset  
Payments and To Clarify Certain  
Other Provisions of the Dirigo Health  
Act**

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

**PART A**

**Sec. A-1. 24-A MRSA §2735-A, sub-  
§§1-A and 3** are enacted to read:

**1-A. Notice of rate filings or rate increase on existing policies renewed in calendar year 2006.** Notwithstanding subsection 1, for existing policies renewed in calendar year 2006, an insurer offering individual health plans as defined in section 2736-C for plan years beginning in 2006 must provide written notice by first class mail of a rate filing to all affected policyholders at least 30 days before the effective date of any proposed increase in premium rates or any proposed rating formula or classification of risks or modification of any formula or classification of risks. The notice must also inform policyholders of their right to request a hearing pursuant to section 229 or a special rate hearing pursuant to section 2736, subsection 4 or Title 24, section 2321, subsection 5. The notice must show the proposed rate and state that the rate is subject to regulatory approval. An increase in premium rates may not be implemented until 30 days after the notice is provided.

This subsection is repealed January 1, 2007.

**3. Notice of rate increase on new business for calendar year 2006.** Notwithstanding subsection 2, for new business quoted in calendar year 2006 by an insurer offering individual health plans as defined in section 2736-C, the insurer must disclose any rate increase that the insurer anticipates implementing within the following 30 days. If the quote is in writing, the disclosure must also be in writing. If the increase is pending approval at the time of notice, the disclosure must include the proposed rate and state that it is subject to regulatory approval. If disclosure required by this subsection is not provided, an increase may not be implemented until at least 30 days after the date the quote is provided.

This subsection is repealed January 1, 2007.

**Sec. A-2. 24-A MRSA §2839-A, sub-  
§§1-A and 3** are enacted to read:

**1-A. Notice of rate increase on existing policies renewed in calendar year 2006.** Notwithstanding subsection 1, for existing policies renewed in calendar year 2006, an insurer offering group health insurance for 2006 plan years, except for accidental injury, specified disease, hospital indemnity, disability income, Medicare supplement, long-term care or other limited benefit group health insurance, must provide written notice by first class mail of a rate increase to all affected policyholders or others who are directly billed for group coverage at least 30 days before the