

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

tract independently with the county for rural patrol services, the county may credit the qualifying municipality for a portion of the county assessment that would otherwise have been used to provide rural patrol services to the municipality if it were on the mainland. For any such agreement that is entered into, the assessment credit must be annually negotiated by the qualifying municipality and the county commissioners.

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

Effective May 11, 2007.

CHAPTER 106

S.P. 406 - L.D. 1218

An Act To Further Limit Retrospective Denials of Previously Paid Health Insurance Claims

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

Sec. 1. 24-A MRSA §4303, sub-§10, ¶B, as enacted by PL 2003, c. 218, §9, is amended to read:

B. The time that has elapsed since the date of payment of the previously paid claim does not exceed ~~18~~ 12 months. The retrospective denial of a previously paid claim may be permitted beyond ~~18~~ 12 months from the date of payment only for the following reasons:

- (1) The claim was submitted fraudulently;
- (2) The claim payment was incorrect because the provider or the insured was already paid for the health care services identified in the claim;
- (3) The health care services identified in the claim were not delivered by the provider;
- (4) The claim payment was for services covered by Title XVIII, Title XIX or Title XXI of the Social Security Act;
- (5) The claim payment is the subject of adjustment with another insurer, administrator or payor; or
- (6) The claim payment is the subject of legal action.

See title page for effective date.

CHAPTER 107

H.P. 928 - L.D. 1320

An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government

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

Sec. 1. 5 MRSA §1547, sub-§8 is enacted to read:

8. Code of ethics for component units, public instrumentalities, related organizations and independent agencies. All component units and related organizations as defined by the governmental accounting standards board and legislatively created public instrumentalities and independent agencies are each required to develop a code of ethics to guide the operations and financial administration of each particular entity. The code of ethics must be disseminated to each employee of such an entity and be available for inspection by the State Controller and State Auditor and the general public. The code of ethics adopted by the executive branch may serve as a model. The State Controller may from time to time ensure that each entity is in compliance with its code of ethics as it applies to financial administration of the entity.

See title page for effective date.

CHAPTER 108

H.P. 1002 - L.D. 1428

An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation

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

Sec. 1. 9-B MRSA §162, sub-§3, as amended by PL 2001, c. 211, §1 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

3. Disclosure in response to a request by the Department of Health and Human Services. The financial records are disclosed in response to a request for information by the Department of Health and Human Services for purposes related to establishing, modifying or enforcing a child support order; ~~or~~

Sec. 2. 9-B MRSA §162, sub-§4, as enacted by PL 2001, c. 211, §2, is further amended to read:

4. Disclosure in response to a request by the Department of Labor. The financial records are dis-

closed in response to a notice of levy issued by the Department of Labor pursuant to Title 26, section 1233; or

Sec. 3. 9-B MRSA §162, sub-§5 is enacted to read:

5. Disclosure to the Department of Health and Human Services upon suspicion of financial exploitation. The financial records are disclosed to the Department of Health and Human Services pursuant to Title 22, section 3479 because a financial institution authorized to do business in this State or its affiliate or a credit union authorized to do business in this State or its affiliate has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation.

Sec. 4. 9-B MRSA §164, sub-§3 is enacted to read:

3. Immunity. A financial institution authorized to do business in the State or its affiliate or a credit union authorized to do business in the State or its affiliate that in good faith discloses financial records to the Department of Health and Human Services pursuant to section 162, subsection 5 is immune from civil or criminal liability that might otherwise arise from the disclosure. In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

See title page for effective date.

CHAPTER 109
H.P. 74 - L.D. 76

**An Act To Temporarily
Reduce the Fee To Operate
High-stakes Beano**

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

Sec. 1. 17 MRSA §314-A, sub-§4, as repealed and replaced by PL 1991, c. 426, §4, is amended to read:

4. Term of license; fees. A license issued under this section is valid for a period of one year. The annual license fee for a high-stakes beano license is \$50,000, payable except that the annual license fee due in 2008 and 2009 is \$25,000. License fees may be paid in advance in quarterly installments. All license fees must be paid to the Treasurer of State to be credited to the General Fund.

Sec. 2. Report. By February 1, 2009, the Chief of the State Police shall submit a report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to beano and games of chance on the enforcement and administra-

tive functions conducted with regard to the conduct of high-stakes beano during calendar year 2008.

See title page for effective date.

CHAPTER 110
H.P. 119 - L.D. 127

**An Act To Amend the Laws
Pertaining to Beano**

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

Sec. 1. 17 MRSA §324-A, sub-§2, ¶C, as enacted by PL 2003, c. 452, Pt. I, §10 and affected by Pt. X, §2, is amended to read:

C. Lucky seven or similar sealed tickets may be sold when that game of chance is licensed by the Chief of the State Police and when a valid license certificate is properly displayed. Notwithstanding the other provisions of this section and section 312, lucky seven games may be conducted during the period beginning 2 hours before and ending 2 hours after a "beano" game.

Notwithstanding any other rule, lucky seven or other similar sealed tickets may be sold that have a sale value of \$1 or less, and a person who sells or distributes "beano" cards or materials used to play "beano" prior to the conduct of "beano" as a volunteer, as provided in this section, is permitted to play in the "beano" game.

See title page for effective date.

CHAPTER 111
H.P. 132 - L.D. 150

**An Act To Amend and
Improve the Education Laws
Concerning Portable Space
and Rule-making Authority**

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

Sec. 1. 20-A MRSA §5001-A, sub-§3, ¶A, as amended by PL 2003, c. 181, §1, is further amended to read:

A. Equivalent instruction alternatives are as follows.

(1) A person is excused from attending a public day school if the person obtains equivalent instruction in:

(a) A private school approved for attendance purposes pursuant to section 2901;