

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

Sec. 6. 15 MRSA §3314-B, sub-§3, as enacted by PL 2003, c. 142, §2 and affected by §3, is amended to read:

3. Enforcement. After notice and hearing and in accordance with the Maine Rules of ~~Criminal~~ Civil Procedure, Rule ~~42(d)~~ 66, the court may invoke its contempt powers to enforce its counseling, treatment, education, case management or other order that applies to the juvenile, the juvenile's parent, guardian or legal custodian or any other person before the court who is subject to an order to participate in counseling, treatment, education or case management. If the court invokes its contempt powers against the juvenile, section 3314, subsection 7 applies.

Sec. 7. 34-A MRSA §3802, sub-§1, as amended by PL 2005, c. 507, §§20 and 21, is further amended to read:

1. Statement. The purposes of the Long Creek Youth Development Center are:

- A. To detain juveniles pending a court proceeding;
- B. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A, and court-ordered examinations pursuant to Title 15, section 3318;
- C. To rehabilitate juveniles committed to a juvenile correctional facility pursuant to Title 15, section 3314, subsection 1, paragraph F;
- D. To protect the public from dangerous juveniles;
- E. To confine juveniles ordered confined pursuant to Title 15, section 3314, subsection 1, paragraph H;
- F. To confine juveniles ordered detained pursuant to Title 15, section 3312, subsection 3, paragraph D; ~~and~~
- G. To confine juveniles ordered confined pursuant to Title 12, sections 6004, 8004 and 10608 and Title 29-A, section 115-; and
- H. To confine juveniles ordered confined pursuant to Title 15, section 3314, subsection 7.

Sec. 8. 34-A MRSA §4102-A, sub-§1, as amended by PL 2005, c. 507, §§24 and 25, is further amended to read:

1. Statement. The purposes of the Mountain View Youth Development Center are:

- A. To detain juveniles pending a court proceeding;
- B. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A, and court-ordered examinations pursuant to Title 15, section 3318;

C. To rehabilitate juveniles committed to a juvenile correctional facility pursuant to Title 15, section 3314, subsection 1, paragraph F;

D. To protect the public from dangerous juveniles;

E. To confine juveniles ordered confined pursuant to Title 15, section 3314, subsection 1, paragraph H;

F. To confine juveniles ordered detained pursuant to Title 15, section 3312, subsection 3, paragraph D; ~~and~~

G. To confine juveniles ordered confined pursuant to Title 12, sections 6004, 8004 and 10608 and Title 29-A, section 115-; and

H. To confine juveniles ordered confined pursuant to Title 15, section 3314, subsection 7.

See title page for effective date.

CHAPTER 197

H.P. 741 - L.D. 981

An Act Concerning the Supervision of Nursing Support Staff

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

Sec. 1. 32 MRSA §2205-B, sub-§4 is enacted to read:

4. Supervision of support staff. A certified nurse practitioner may delegate to the employees or support staff of the certified nurse practitioner certain activities relating to advanced practice registered nursing carried out by custom and usage when the activities are under the control of the certified nurse practitioner. The certified nurse practitioner delegating these activities to such persons is legally liable for the activities of those persons, and any person in this relationship is considered the certified nurse practitioner's agent when performing such delegated activities.

See title page for effective date.

CHAPTER 198

H.P. 979 - L.D. 1387

An Act Concerning the Taking of Nuisance Animals

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

Sec. 1. 12 MRSA §12402, sub-§3, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. In all cases of deer, bear, moose or wild turkey, immediately and properly dress the carcass or carcasses and care for the meat. When the meat is being distributed to recipients authorized under the Hunters for the Hungry Program established in section 10108, subsection 8, the person shall inform the department within 24 hours that the meat is ready to be picked up.

Sec. 2. 12 MRSA §12402, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4. Warden's certificate. A game warden shall investigate an incident under this section as soon as possible and, if the game warden is satisfied that the wild animal or wild turkey was taken as provided in this section, give the person who killed the wild animal or wild turkey a certificate that entitles the cultivator, owner, mortgagee or keeper of the orchard or growing crop to own the carcass or carcasses, which may be possessed and consumed only within the immediate family of the cultivator, owner, mortgagee or keeper of the orchard or growing crop, or, in accordance with the labeling requirements for possession of deer, bear, moose or wild turkey, to transfer possession of those wild animals or wild turkeys to another person. Any excess carcasses after the first 2 carcasses of ~~deer~~, bear, moose or wild turkey or after the first 3 carcasses of deer killed or taken under subsection 1 or 2 must be distributed to recipients authorized through the Hunters for the Hungry Program established in section 10108, subsection 8 or as otherwise authorized by the game warden.

See title page for effective date.

CHAPTER 199

H.P. 1053 - L.D. 1503

**An Act To Clarify and Update
the Laws Related to Health
Insurance**

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

Whereas, this legislation extends the provision permitting health insurance carriers to offer financial incentives to enrollees to use designated health care providers under a health plan; and

Whereas, if this Legislature does not act, that provision will be repealed July 1, 2007; 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:

PART A

Sec. A-1. 24-A MRSA §2834-B, sub-§3, as amended by PL 1999, c. 256, Pt. B, §1, is further amended to read:

3. Requirement. If a policy makes coverage available with respect to dependents of certificate holders, the policy must provide for a dependent special enrollment period when a person becomes a dependent of an eligible individual through marriage, birth or adoption or placement for adoption ~~or~~ if a court order is issued changing custody of a child or if a dependent who has other coverage loses eligibility under that coverage. During this period, the dependent may be enrolled under the plan as a dependent of the eligible individual and, in the case of the birth or adoption of a child, the spouse of the eligible individual may be enrolled as a dependent if otherwise eligible for coverage. If the eligible individual is not already enrolled or is enrolled in a different benefit package, the individual may enroll during this period.

Sec. A-2. 24-A MRSA §2834-B, sub-§4, as amended by PL 1999, c. 256, Pt. B, §2, is further amended to read:

4. Length of period. A dependent special enrollment period under this section must be a period of not less than 30 days and must begin on the ~~later~~ latest of:

- A. The date dependent coverage is made available; ~~or~~
- B. The date of the marriage, birth or adoption or placement for adoption or the date of the court order; and
- C. The date a dependent loses other coverage.

Sec. A-3. 24-A MRSA §2834-B, sub-§5, as amended by PL 1999, c. 256, Pt. B, §§3 and 4, is further amended to read:

5. No waiting period. If an individual seeks to enroll a dependent during the first 30 days of a dependent special enrollment period, the coverage of the dependent becomes effective:

- A. In the case of marriage, no later than the first day of the first month beginning after the date the completed request for enrollment is received;
- B. In the case of a dependent's birth, as of the date of the birth;