

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

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Penmor Lithographers
Lewiston, Maine
2007

CHAPTER 214

H.P. 1038 - L.D. 1476

**An Act Relating to Bad Check
Enforcement Programs
Operated by Private Entities**

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

Sec. 1. 32 MRSA §11002, sub-§5, as amended by PL 2003, c. 562, §2, is further amended to read:

5. Debt. "Debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services that are the subject of the transaction are primarily for personal, family or household purposes, whether or not the obligation has been reduced to judgment. "Debt" includes any obligation or alleged obligation for payment of child support owed to, or owed by, a resident of this State and any obligation or alleged obligation relating to a check returned because of insufficient funds if a consumer is subject to an enforcement program operated by a private entity.

See title page for effective date.

CHAPTER 215

H.P. 1218 - L.D. 1735

**An Act To Facilitate and
Promote Regional Cooperation**

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

Sec. 1. 30-A MRSA §2305, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2305. Construction

This subchapter ~~shall~~ must be liberally construed toward the end of enabling councils to implement municipal programs and services on behalf of member municipalities, while avoiding the creation of special districts or other legal or administrative entities to accomplish these purposes. Programs and services may include, but are not limited to, programs and services for transit, solid waste, household hazardous waste, economic development, code enforcement, general financial and administrative activities and joint purchasing.

Sec. 2. 30-A MRSA §2313, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Powers. The council may:

A. Study any ~~area~~ governmental ~~problems~~ needs and opportunities common to 2 or more members of the council that it considers appropriate, including, but not limited to, matters affecting health, safety, welfare, education, economic conditions and regional development;

B. Promote cooperative arrangements and coordinate action among its members, including, but not limited to, arrangements and actions with respect to transit services, joint purchasing, solid waste management and household waste management; ~~and~~

C. Make recommendations for review and action to its members and other public agencies that perform functions within the region; and

D. Prepare and maintain a comprehensive regional plan.

Sec. 3. 30-A MRSA §2313, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Authority. The council, on behalf of one or more member municipalities and upon appropriate action of the legislative bodies of one or more member municipalities, may exercise any power, privilege or authority capable of exercise by a member municipality and necessary or desirable for dealing with problems of local or regional concern, except essential legislative powers, taxing authority or eminent domain power. This authority is in addition to any other authority granted to municipalities by the general laws and includes, but is not limited to, the formation of transit, solid waste and other services operations.

Sec. 4. 30-A MRSA §2316, sub-§5, as enacted by PL 1991, c. 512, is amended to read:

5. Guarantees. Notwithstanding any law, charter, ordinance or limitation to the contrary, any one or more member municipalities of ~~the Greater Portland Council of Governments~~ a regional council may guarantee notes or other indebtedness or obligations of the ~~Greater Portland Council of Governments~~ regional council.

Sec. 5. 30-A MRSA §2321, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Purposes. The purposes of a regional planning commission are to:

A. Promote cooperative efforts toward regional development;

B. Prepare and maintain a comprehensive regional plan; ~~and~~

(1) The public ~~shall~~ must be given an adequate opportunity to be heard in the preparation of a comprehensive plan;

C. Coordinate with state and federal planning and development programs; ~~and~~

D. Provide planning assistance and advisory services to municipalities; and

E. Provide programs and services to municipalities.

Sec. 6. 30-A MRSA §2324, last ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

The minutes of the proceedings of the commission ~~shall~~ must be filed in the commission's office. These minutes are a public record. ~~Copies shall be provided to the municipal officers and planning board of each member municipality. Copies of the minutes must be posted on a publicly accessible site on the Internet and be provided to the municipal officers and the planning board of each member municipality upon request.~~

See title page for effective date.

CHAPTER 216

S.P. 620 - L.D. 1753

An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics

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

Sec. 1. 24-A MRSA §2728, as enacted by PL 1969, c. 132, §1, is repealed and the following enacted in its place:

§2728. Intoxicants and narcotics

1. Intoxicants; narcotics. A policy under this chapter may not include the following provision:

"Intoxicants and narcotics. The insurer is not liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic or of any hallucinogenic drug, unless administered on the advice of a physician."

2. Exemption. This section does not apply to the following types of insurance or any combination of the following types of insurance: accidental injury, specified disease, hospital indemnity, dental, vision, disability income, long-term care, Medicare supplement or other limited benefit health insurance.

See title page for effective date.

CHAPTER 217

S.P. 652 - L.D. 1834

An Act To Authorize the Use of Timber Harvesting Revenues for Land Management

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

Sec. 1. 12 MRSA §12701, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and as affected by c. 614, §9, is amended to read:

2. Natural products. The commissioner may harvest and sell natural products of the land from land owned by the department and, if the land was purchased with federal aid funds, use the resulting revenue for land management, in accordance with federal aid guidelines.

Sec. 2. 30-A MRSA §3203, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

See title page for effective date.

CHAPTER 218

H.P. 1297 - L.D. 1861

An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992

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

Sec. 1. 39-A MRSA §205, sub-§4, as enacted by PL 1991, c. 885, Pt. A, §8 and as affected by §9 to 11, is amended to read:

4. Payment of bills for medical or health care services. When there is no ongoing dispute, if ~~medical~~ bills for medical or health care services are not paid within 30 days after the carrier has received notice of nonpayment by certified mail ~~from the provider of the medical or health care services or, if the bill was paid by the employee, from the employee who paid for the medical or health care services,~~ \$50 or the amount of the bill due, whichever is less, must be added and paid to the ~~Workers' Compensation Board Administrative Fund~~ provider of the medical or health care services or, if the bill was paid by the employee, to the employee who paid for the medical or health care ser-