

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

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Sec. 1. 24-A MRSA §2728, as enacted by PL 1969, c. 132, §1, is repealed and the following enacted in its place: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

vices for each day over 30 days in which the ~~medical bills for medical or health care services~~ are not paid. Not more than \$1,500 in total may be added pursuant to this subsection.

See title page for effective date.

CHAPTER 219

H.P. 1302 - L.D. 1870

An Act To Provide Flexibility within the Monhegan Lobster Conservation Area and To Strengthen the Eligibility Requirements for a Student Lobster Fishing License

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 measure proposes to change the open season for lobstering in the Monhegan Lobster Conservation Area; and

Whereas, unless this legislation is enacted as an emergency measure, the new season will begin before the expiration of the 90-day period; 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. 12 MRSA §6421, sub-§5-A, as amended by PL 2005, c. 239, §1, is further amended to read:

5-A. Student license eligibility. A student license may be issued only to a person who, at the time of application, is a full-time student 8 years of age or older and under 23 years of age. For the purposes of this subsection, "full-time student" means:

A. A person attending a public day school in accordance with the attendance requirement of Title 20-A, section 5001-A, subsection 1;

B. A person meeting the requirements of an alternative to attendance at public day school in accordance with Title 20-A, section 5001-A, subsection 3; or

C. A person enrolled in and meeting the requirements of a full-time course of study at a college or university accredited by a state-recognized accrediting agency or body.

A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed 5 months and if it is shown that the person has a bona fide intention of continuing to pursue a full-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "full-time course of study" means at least 60% of the usual course load for the program in which the person is enrolled.

The commissioner may revoke a student license of an individual who has ceased to be a full-time student.

Sec. 2. 12 MRSA §6472, as enacted by PL 1997, c. 574, §4, is amended to read:

§6472. Closed and open seasons; trap limit

1. Closed season. It is unlawful for a person to fish for or take lobsters in the Monhegan Lobster Conservation Area from June 26th to ~~November 30th~~ August 31st, both days inclusive, and on any day not included in the open season established by the commissioner under subsection 2.

2. Open season. The commissioner shall ~~annually by November 1st~~ establish by rule an open season ~~of 180 consecutive~~ not to exceed 250 days between December October 1st and the following June 25th during which a person may fish for or take lobsters in the Monhegan Lobster Conservation Area.

A. Before establishing or amending the open season under this section, the commissioner shall determine the open season preferred by 2/3 of the individuals registered to obtain Monhegan Lobster Conservation Area trap tags under section 6474. The commissioner may accept the preferences proposed by 2/3 of the registrants as reasonable and adopt those preferences or reject the preferences as unreasonable. The commissioner shall consult with the lobster management policy council for Zone D before making this decision.

B. In adopting rules under this subsection, the commissioner is not required to hold a public hearing on the rules pursuant to Title 5, section 8052.

C. A person may not petition the commissioner pursuant to Title 5, section 8055 for the adoption or modification of a rule establishing the open lobster season in the Monhegan Lobster Conservation Area.

D. Notwithstanding any provisions to the contrary, the commissioner may adopt rules under this subsection without the advice and consent of the Marine Resources Advisory Council. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.