

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

~~the Commissioner of Inland Fisheries and Wildlife and this section, shall issue a free fishing license and free hunting license to eligible veterans who meet other criteria of the Department of Inland Fisheries and Wildlife for the issuance of licenses.~~

1. Eligibility. The Department of Defense, Veterans and Emergency Management shall determine, based on an examination of an individual's discharge certificate from active duty services, also known as the DD214, whether the following criteria are met:

- A. The person is a resident of this State;
- B. The person received an honorable discharge or general discharge under honorable conditions; and
- C. Between October 1, 2001 and January 1, ~~2010~~ 2015, while a member of the Maine National Guard or an active or reserve member of the uniformed services as defined in 10 United States Code, Section 101(a)(5), the person served for a minimum of 3 continuous months outside the United States either:
 - (1) On an operational mission for which members of the reserve were ordered to active duty; or
 - (2) During a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or Congress.

2. Duration of passes. A ~~license or~~ pass issued in accordance with this section is valid for a minimum of 12 months from the date of an eligible veteran's discharge from active duty. ~~The memoranda memorandum~~ of agreement between the departments may allow issuance of passes ~~or licenses~~ for a period longer than 12 months.

3. Responsibilities of commissioner. The Commissioner of Defense, Veterans and Emergency Management shall identify a point of contact within the department to issue ~~licenses and~~ passes in accordance with this section and the ~~memoranda memorandum~~ of agreement entered into with the Department of Conservation ~~and the Department of Inland Fisheries and Wildlife~~. The commissioner shall periodically report to the Department of Conservation with a listing of the names and addresses of all persons receiving passes to state parks and historic sites and the expiration dates for those passes. ~~The department shall periodically report to the Department of Inland Fisheries and Wildlife with a listing of the names and addresses of all persons receiving fishing licenses and hunting licenses and the expiration dates for those licenses.~~

4. Repeal. This section is repealed June 30, ~~2010~~ 2015.

Sec. 4. 37-B MRSA §7 is enacted to read:

§7. Issuance of free day use pass

The Commissioner of Defense, Veterans and Emergency Management, in accordance with a memorandum of agreement entered into with the Commissioner of Conservation and this section, shall issue a free day use pass to state parks and historic sites to eligible active duty military personnel.

1. Eligibility. The Department of Defense, Veterans and Emergency Management shall determine, based on an examination of an individual's military identification, whether the following criteria are met:

- A. The person's home of residence is this State; and
- B. The person is serving in an enlisted grade in the armed forces as defined in 10 United States Code, Section 101(a)(4).

2. Duration of passes. A pass issued in accordance with this section is valid for 12 months from the date of issuance and may be renewed upon verification of continuing eligibility.

3. Responsibilities of commissioner. The Commissioner of Defense, Veterans and Emergency Management shall identify a point of contact within the department to issue passes in accordance with this section and the memorandum of agreement entered into with the Department of Conservation. The commissioner shall periodically report to the Department of Conservation with a listing of the names and addresses of all persons receiving passes to state parks and historic sites and the expiration dates for those passes.

Sec. 5. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 37-B, section 6 takes effect June 30, 2010.

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

Effective May 28, 2009, unless otherwise indicated.

CHAPTER 221

H.P. 454 - L.D. 640

An Act To Ensure Public Access to Records Relating to Public Contracts for Personal Services

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

Sec. 1. 5 MRSA §1816-A, sub-§4 is enacted to read:

4. Access to public records. As a condition of accepting a contract for services under this section, a contractor must agree to treat all records, other than proprietary information, relating to personal services work performed under the contract as public records under the freedom of access laws to the same extent as if the work were performed directly by the department or agency. For the purposes of this subsection, "proprietary information" means information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available. Information relating to wages and benefits of the employees performing the personal services work under the contract and information concerning employee and contract oversight and accountability procedures and systems are not proprietary information. This subsection applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

See title page for effective date.

CHAPTER 222

H.P. 513 - L.D. 754

An Act Regarding Subrogation of Medical Payments Coverage

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

Sec. 1. 24-A MRSA §2910-A, sub-§1, as enacted by PL 1997, c. 369, §2, is amended to read:

1. Policy requirements. A casualty insurance policy subject to this chapter may not provide for subrogation or priority over the insured of payment for any hospital, nursing, medical or surgical services or of any expenses paid or reimbursed under the medical payments coverage in the policy in the event the insured is entitled to receive payment or reimbursement from any other person as a result of legal action or claim, except as provided in this section.

The coverage may contain a provision that allows the payments if ~~that provision is approved by the superintendent and if that provision required the prior written approval of the insured and provides that the insurer's subrogation right is subject to subtraction to account for the pro rata share of the insured's attorney's fees incurred in obtaining the recovery from another source.~~

A. The provision provides for subrogation or priority over the insured when an insured's awarded or settled damages exceed \$20,000;

B. The provision requires the written approval of the insured;

C. The provision provides that the insurer's subrogation right is subject to subtraction to account for the pro rata share of the insured's attorney's fees incurred in obtaining the recovery from another source; and

D. The provision is approved by the superintendent.

See title page for effective date.

CHAPTER 223

H.P. 854 - L.D. 1234

An Act To Regulate the Use of Traffic Surveillance Cameras

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

Sec. 1. 29-A MRSA §2117 is enacted to read:

§2117. Use of traffic surveillance cameras restricted

The State or a municipality may not use a traffic surveillance camera to prove or enforce a violation of this Title. For purposes of this section, "traffic surveillance camera" means a device that, in conjunction with a lighted traffic-control device or a lane direction control device, as described in section 2057, subsections 1 and 3, or a speed measurement device as described in section 2075, subsection 4, automatically produces one or more photographs, one or more microphotographs, a videotape or any other recorded image of a vehicle at the time the vehicle is operated in violation of state law.

This section does not apply to a photo-monitoring system, as defined by Title 23, section 1980, subsection 2-A, paragraph B, subparagraph 4, used by the Maine Turnpike Authority for toll enforcement purposes.

See title page for effective date.

CHAPTER 224

H.P. 947 - L.D. 1346

An Act To Amend the Laws Governing Games of Chance

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

Sec. 1. 17 MRSA §341, sub-§1, as repealed and replaced by PL 2007, c. 554, §2, is amended to read:

1. Limits. The maximum bet for licensed games of chance, including card games in which bets are