

# MAINE STATE LEGISLATURE

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**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.**

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**Augusta, Maine**  
**2009**

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

placed per hand or per deal, is \$1 for any one chance, hand or deal. Licensed card games that award part or all of the entry fees paid to participate as prize money and in which no money or thing of value is wagered except for the entry fee are limited to a \$5 daily entry fee and no more than 40 50 players at any one time at any one location.

**Sec. 2. Chief of State Police to report.** The Chief of the State Police shall gather information regarding the number of players attending card games conducted by licensed organizations including any input received by those licensees stating difficulty in conducting games under the current player limits and report to the Joint Standing Committee on Legal and Veterans Affairs no later than February 1, 2010.

See title page for effective date.

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**CHAPTER 225  
H.P. 914 - L.D. 1311**

**An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters**

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

**Sec. 1. 23 MRSA §3106** is enacted to read:

**§3106. Municipal assistance for purposes of protecting or restoring a great pond**

**1. Repairs to a private road.** A municipality may repair a private road, way or bridge to prevent storm water runoff pollution from reaching a great pond as defined in Title 38, section 480-B, subsection 5 through the expenditure of public funds if:

A. The private road, way or bridge is within the watershed of the great pond;

B. The great pond:

(1) Is listed on the Department of Environmental Protection's list of bodies of water most at risk pursuant to Title 38, section 420-D, subsection 3;

(2) Has been listed as impaired in an integrated water quality monitoring and assessment report submitted by the Department of Environmental Protection to the United States Environmental Protection Agency pursuant to the federal Clean Water Act, 33 United States Code, Section 1315(b) at least once since 2002; or

(3) Is identified as having threats to water quality in a completed watershed survey that

uses a protocol accepted by the Department of Environmental Protection;

C. The Department of Environmental Protection or the municipality determines that the private road, way or bridge is contributing to the degradation of the water quality of the great pond based upon an evaluation of the road, way or bridge using a protocol accepted by the department;

D. The repair complies with best management practices required by the Department of Environmental Protection; and

E. The private road, way or bridge is maintained by a road association organized under this subchapter or Title 13-B.

**2. Rules.** The Department of Environmental Protection may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 226  
H.P. 559 - L.D. 823**

**An Act To Increase Snowmobile Registration Fees**

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

**Sec. 1. 12 MRSA §13104, sub-§4,** as amended by PL 2007, c. 556, §3, is further amended to read:

**4. Fee.** Except as provided in subsection 5, the annual snowmobile registration fee is as follows:

A. For residents, ~~\$35~~ \$40. The registration for a snowmobile owned by a resident is valid for one year, commencing on July 1st of each year.

B. For nonresidents:

(1) Forty-three dollars for a 3-consecutive-day registration. A person may purchase more than one 3-day registration in any season;

(2) Fifty-eight dollars for a 10-consecutive-day registration. A person may purchase more than one 10-day registration in any season; and

(3) Eighty-eight dollars for a seasonal registration.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid.