

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

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FIRST REGULAR SESSION
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

CHAPTER 386
H.P. 567 - L.D. 831

**An Act To Enhance
Fund-raising Opportunities
by Certain Nonprofit
Organizations**

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

Sec. 1. 17 MRSA §332-A is enacted to read:

§332-A. License exceptions for games of chance

Notwithstanding section 331, subsection 1, organizations that are eligible for a license to conduct games of chance may conduct games of chance without a license in accordance with this section.

1. Organizations eligible. An organization, other than an agricultural fair society, that raises less than \$15,000 in gross revenue in a calendar year from the operation of games of chance is eligible to conduct games of chance without a license. If an organization exceeds \$15,000 in gross revenue in a calendar year, the organization must submit an application as described in section 333 and any information and fees otherwise required for an application for licensure under this chapter. An organization that raised more than \$15,000 in revenue during the previous calendar year from the operation of licensed games of chance is not eligible to conduct games without a license in accordance with this section.

2. Limits. An organization that conducts a game of chance without a license in accordance with this section may not collect more than \$10,000 in gross revenue from any one event at which games of chance are conducted. If an organization exceeds \$10,000 in gross revenue at any one event, the organization must submit an application as described in section 333 and any information and fees otherwise required for an application for licensure under this chapter. An organization that exceeds \$10,000 in gross revenue at any one event is not eligible to conduct games of chance without a license as provided by this section within one calendar year of the event at which the revenue limit was exceeded.

3. Registration required. In order to conduct games of chance without a license in accordance with this section, an organization must register with the Chief of the State Police. Registrations made in accordance with this section are valid per event. The registration must include the following:

A. The name and tax identification number of the organization and the charitable purpose for which the games are being conducted;

B. The names of the members of the organization who will be responsible for overseeing the operation of the games of chance;

C. The date, time and location of the event at which games of chance will be conducted;

D. The number and types of games to be conducted;

E. An oath and acknowledgement by the applicant that the information contained in the registration is true and accurate; and

F. A registration fee of \$30.

4. Licensed printers and distributors. Equipment used to conduct games of chance in accordance with this section must be provided by printers and distributors licensed as required by this chapter.

5. Other provisions applicable. An organization that conducts games of chance in accordance with this section is subject to applicable provisions of section 332, subsections 2, 3, 3-A and 4 and sections 334, 335, 340, 341, 345 and 346.

6. Revenue and disposition of funds report. An organization that conducts games of chance in accordance with this chapter shall file a disposition of funds form prescribed and furnished by the Chief of the State Police reporting the total revenue from games of chance conducted within 12 calendar months of the date when the first game conducted without a license took place and the amount of revenue spent to support the charitable purposes for which the games were conducted. Every statement in the report must be made under oath by an officer of the organization or by the member in charge of the conduct of the games.

7. Violation. If an organization that has registered to conduct games of chance is found to have violated any provision of this section, the net revenue from any games of chance conducted is forfeited to the Chief of the State Police. If an organization is found to have violated any provision of this section, the bureau is prohibited from accepting a registration as provided by this section from that organization or a person listed on the registration for that organization for a period of 10 years.

8. Repeal. This section is repealed January 1, 2012.

Sec. 2. Report. The Chief of the State Police shall report no later than January 1, 2011 to the joint standing committee of the Legislature having jurisdiction over legal affairs regarding the use of the registration privilege provided by the Maine Revised Statutes, Title 17, section 332-A including any recommended changes to the law.

Sec. 3. Chief of the State Police to implement within existing budgeted resources. The

Chief of the State Police shall implement this Act within existing budgeted resources.

See title page for effective date.

CHAPTER 387

S.P. 570 - L.D. 1490

**An Act Regarding the Transfer
of Patient Health Care
Information through an
Electronic Health Information
Exchange**

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

Whereas, it is necessary for the public health and welfare that the electronic health information exchange known as HealthInfoNet begin operations as early during the summer of 2009 as possible in order to implement the exchange of electronic health care records, improve the quality of health care and contribute to slowing the rate of growth of health care costs; 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. 22 MRSA §1711-C, sub-§6, ¶B, as amended by PL 1999, c. 512, Pt. A, §5 and affected by §7, is further amended to read:

B. To an agent, employee, independent contractor or successor in interest of the health care practitioner or facility including a health information exchange that makes health care information available electronically to health care practitioners and facilities or to a member of a quality assurance, utilization review or peer review team to the extent necessary to carry out the usual and customary activities relating to the delivery of health care and for the practitioner's or facility's lawful purposes in diagnosing, treating or caring for individuals, including billing and collection, risk management, quality assurance, utilization review and peer review. Disclosure for a purpose listed in this paragraph is not a disclosure for the purpose of marketing or sales. A health information exchange to which health care information is disclosed under this paragraph shall provide an individual protection mechanism by which an indi-

vidual may prohibit the health information exchange from disclosing the individual's health care information to a health care practitioner or health care facility;

Sec. 2. 22 MRSA §1711-C, sub-§11, as amended by PL 1999, c. 512, Pt. A, §5 and affected by §7, is further amended to read:

11. Health care information subject to other laws, rules and regulations. Health care information that is subject to the provisions of 42 United States Code, Section 290dd-2 (Supplement 1998); chapters ~~740~~ 710-B and 711; Title 5, section 200-E; Title 5, chapter 501; Title 24 or 24-A; Title 34-B, section 1207; Title 39-A; or other provisions of state or federal law, rule or regulation is governed solely by those provisions.

Sec. 3. 22 MRSA §1711-F is enacted to read:

§1711-F. Transfer of member health care information by MaineCare program for purpose of diagnosis, treatment or care

The MaineCare program established under chapter 855 may transfer member health care information to a health care practitioner or health care facility for the purpose of diagnosis, treatment or care of the member through an electronic health information exchange in accordance with this section.

1. Definitions. For the purposes of this section, "health care facility" has the same meaning as in section 1711-C, subsection 1, paragraph D and "health care practitioner" has the same meaning as in section 1711-C, subsection 1, paragraph F.

2. Individual protection mechanism. The department shall provide an individual protection mechanism for MaineCare members by which an individual may prohibit a health information exchange from disclosing the individual's health care information to a health care practitioner or health care facility.

3. Health care information subject to other laws, rules and regulations. Health care information that is subject to the provisions of 42 United States Code, Section 290dd-2 (Supplement 1998); chapters 710-B and 711; Title 5, section 200-E; Title 5, chapter 501; Title 24 or 24-A; Title 34-B, section 1207; Title 39-A; or other confidentiality provisions of state or federal law, rule or regulation is governed solely by those provisions.

Sec. 4. Report. The Governor's Office of Health Policy and Finance, after consultation with the Department of Health and Human Services and HealthInfoNet, shall report by January 15, 2011 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the implementation of the statewide HealthInfoNet demonstration project, authorized by Public Law 2007, chapter 213, Part A, section 32, that transfers patient