

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

crime if that person possesses a revoked, ~~suspended~~, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;

1-B. Display suspended driver's license; crime. A person commits a Class E crime if that person displays a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

1-C. Display suspended driver's license; traffic infraction. A person commits a traffic infraction if that person displays a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

1-D. Possess suspended driver's license; crime. A person commits a Class E crime if that person possesses a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

1-E. Possess suspended driver's license; traffic infraction. A person commits a traffic infraction if that person possesses a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

2. Loan. ~~Knowingly~~ A person commits a Class E crime if that person knowingly permits another person to use that person's driver's license or identification card issued or represented to be issued by this State or any other state or province;

3. Representation. ~~Displays~~ A person commits a Class E crime if that person displays or represents as one's that person's own a driver's license or identification card issued to another by this State or any other state or province;

4. Use. ~~Knowingly~~ A person commits a Class E crime if that person knowingly permits an unlawful use of a driver's license or identification card issued or represented to be issued by this State or any other state or province;

5. Privacy laws or rules; violation. ~~Knowingly~~ A person commits a Class E crime if that person knowingly disseminates information that is protected by a state law or rule that implements the Federal federal Driver's Privacy Protection Act of 1994.

Violation of ~~this section~~ subsection 1, 1-A, 1-B, 1-D or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 3. 29-A MRSA §2412-A, sub-§8, as enacted by PL 2009, c. 297, §2, is amended to read:

8. Traffic infraction. A person commits a traffic infraction operating while license suspended as described in subsection 1-A, paragraph A if the person has not been convicted or adjudicated of a prior offense under this section and the sole basis for the suspension is:

- A. Failure to pay a fine;
- B. Failure to pay a license reinstatement fee; or
- C. Suspension for a dishonored check.

See title page for effective date.

CHAPTER 494

H.P. 1210 - L.D. 1709

An Act To Enhance Public Awareness of Lyme Disease

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

Whereas, the Department of Health and Human Services, Maine Center for Disease Control and Prevention reports that in 2008 and 2009 there were over 900 confirmed cases of Lyme disease in the State and the United States Department of Health and Human Services, Centers for Disease Control and Prevention indicates that the actual incidence of Lyme disease is approximately 10 times the amount reported; and

Whereas, this Act designates the month of May as Lyme Disease Awareness Month to raise public awareness and improve education for the prevention, diagnosis and treatment of Lyme disease; and

Whereas, immediate enactment is necessary so that public awareness and education efforts related to Lyme disease and other tick-borne illnesses are conducted throughout the State this May; 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. 1 MRSA §150-E is enacted to read:

§150-E. Lyme Disease Awareness Month

The month of May of each year is designated as Lyme Disease Awareness Month, and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe the month through appropriate activities. During the month, the Depart-

ment of Health and Human Services, Maine Center for Disease Control and Prevention shall make information available to the public to improve education and awareness about the prevention, diagnosis and treatment of Lyme disease that is consistent with the recommendations of the United States Department of Health and Human Services.

Sec. 2. 22 MRSA §1645, sub-§1, ¶B, as enacted by PL 2007, c. 561, §1, is amended to read:

B. The diagnosis and treatment guidelines for Lyme disease recommended by the Maine Center for Disease Control and Prevention and the ~~federal~~ United States Department of Health and Human Services, Centers for Disease Control and Prevention;

Sec. 3. 22 MRSA §1645, sub-§1, ¶C, as enacted by PL 2007, c. 561, §1, is amended to read:

C. A summary or bibliography of peer-reviewed medical literature and studies related to the diagnosis, medical management and ~~the~~ treatment of Lyme disease and other tick-borne illnesses, including, but not limited to, the recognition of chronic Lyme disease and the use of long-term antibiotic treatment;

Sec. 4. 22 MRSA §1645, sub-§3 is enacted to read:

3. Publicly accessible website. The Maine Center for Disease Control and Prevention shall maintain a publicly accessible website to provide public awareness and education on Lyme disease and other tick-borne illnesses. The website must provide information on the prevention, diagnosis and treatment of Lyme disease and other tick-borne illnesses for use by health care providers and the public, including, but not limited to, links to resources made available and recommended by the United States Department of Health and Human Services.

Sec. 5. 24-A MRSA §4302, sub-§5, as enacted by PL 2007, c. 561, §2, is amended to read:

5. Annual report; claims for diagnosis and treatment of Lyme disease and other tick-borne illnesses. By February 1st of each year, all carriers shall file with the superintendent for the most recent calendar year for all covered individuals in the State the total claims made for the diagnosis and treatment of Lyme disease and other tick-borne illnesses. The filing must include information on the number of claims made for the diagnosis and treatment of Lyme disease and other tick-borne illnesses, the total dollar amount of those claims, the number of claim denials and the reasons for those denials, the number and outcome of internal appeals and the number of external appeals related to the diagnosis and treatment of Lyme disease and other tick-borne illnesses. The superintendent shall compile from all carriers this data in an an-

nual report and submit the report by March 15th of each year to the joint standing committee of the Legislature having jurisdiction over health insurance matters. The superintendent shall consult with the Department of Health and Human Services, Maine Center for Disease Control and Prevention to determine any additional information to be collected from carriers, beginning with data for calendar year 2011.

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

Effective March 8, 2010.

CHAPTER 495

H.P. 1126 - L.D. 1588

An Act To Change the Penalties for Writing Bad Checks

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

Sec. 1. 14 MRSA §6071, sub-§2, as amended by PL 1995, c. 288, §1, is further amended to read:

2. Attorney's fees. If the person liable does not pay the amount of the check, plus costs and interest, before the hearing, then the court may award reasonable attorney's fees to the prevailing party. In addition, the court may award to the holder of the check a civil penalty, not to exceed ~~\$50~~ \$150, to be paid by the person liable for the check.

Sec. 2. 14 MRSA §6073, sub-§5, as enacted by PL 1995, c. 288, §3, is amended to read:

5. A penalty not to exceed ~~\$50~~ \$150.

See title page for effective date.

CHAPTER 496

H.P. 1083 - L.D. 1539

An Act Concerning Technical Changes to the Tax Laws

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

Sec. 1. 36 MRSA §112, sub-§5-A, as amended by PL 1997, c. 526, §7, is further amended to read:

5-A. Agreements with other governments. The assessor may enter into agreements with ~~the tax departments of other states that the assessor considers appropriate~~ governments for assistance in the administration and enforcement of this Title if the disclosure