

# 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.**

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**Augusta, Maine**  
**2010**

A. Original issuance fee, \$100; and

B. Annual renewal fee, \$100.

Sec. 4. 24-A MRSA §1913 is enacted to read:

**§1913. Registration of pharmacy benefits managers**

Beginning April 1, 2011, a person may not act as a pharmacy benefits manager as defined in Title 22, section 2699, subsection 1, paragraph F in this State without first paying the registration fee required under section 601, subsection 28. The superintendent may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to administer and enforce the registration requirements of this section. The superintendent may enforce this section under sections 220 and 223 and other provisions of this Title.

See title page for effective date.

**CHAPTER 582**

**H.P. 1186 - L.D. 1685**

**An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine**

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

Sec. 1. 8 MRSA §522, sub-§7, as enacted by PL 2009, c. 352, §2, is amended to read:

**7. Revenue and expenditures.** The board may receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise, in accordance with rules adopted pursuant to sections 523 and 524. The authority may apply for, solicit and receive grants, donations and gifts and may receive appropriations from the State and funds from other governmental authorities. All funds received must be spent solely to assist with operational expenses in furtherance of the purpose of the authority. The board may enter into contracts to obtain the assistance of staff sufficient to support operations of the board.

Sec. 2. 8 MRSA §523, as enacted by PL 2009, c. 352, §2, is amended to read:

**§523. Powers of authority**

In furtherance of its purpose, the authority shall, no later than ~~March 1~~ October 15, 2010:

**1. Rules.** Adopt rules to protect the health and safety of authorized participants and the integrity of competition, as well as to establish a certification process authorizing participation in a mixed martial arts competition, exhibition or event and set the fee

schedules for all authorized participants. A certificate authorizing participation in a mixed martial arts competition, exhibition or event may be issued for one year or such other time period as may be fixed by rule under this chapter. The board may establish requirements to ensure that a mixed martial arts competition, exhibition or event is not conducted unless a promoter's fee has been paid and that each competitor has been examined by a physician who has certified the competitor's fitness to participate in the mixed martial arts competition, exhibition or event. Rules adopted pursuant to this subsection are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A. The authority's rules must include, but are not limited to, the following:

- A. Rules of competition, weighing of participants and scoring of decisions;
- B. Length of contests and rounds;
- C. Availability of medical services, including a requirement that a physician be present during a mixed martial arts competition, exhibition or event;
- D. Age limits, which must include a minimum age of not less than 18 years;
- E. Weight limits and classification of participants;
- F. Physical condition of participants;
- G. Qualifications of referees and other authorized participants;
- H. Uniforms, attire, safety gear and equipment of authorized participants;
- I. Specifications of facilities and equipment; and
- J. Requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants. This coverage must comply with standards prescribed by the Superintendent of Insurance; ~~and.~~

~~**2. Other action.** Take all other lawful action necessary and incidental to its purposes.~~

Sec. 3. 8 MRSA §528, as enacted by PL 2009, c. 352, §2, is repealed.

Sec. 4. 8 MRSA §529 is enacted to read:

**§529. Powers of board**

**1. Inspections and investigations.** The board may enter and inspect the premises where a martial arts competition, exhibition or event is to be conducted and question persons present and review documents to the extent it considers necessary to determine whether the event is in accordance with this chapter and rules adopted under this chapter.

2. Other action. The board may take all reasonable steps to ensure that a mixed martial arts competition, exhibition or event is conducted in accordance with this chapter and rules adopted under this chapter and take all other lawful action necessary and incidental to its purposes.

**Sec. 5. 8 MRSA §530** is enacted to read:

**§530. Refusal, suspension or revocation of certificate; grounds**

The board may, after notice of an opportunity for hearing in accordance with Title 5, chapter 375, subchapter 4, refuse to issue or renew and may suspend or revoke a certificate described under section 523, subsection 1. The following are grounds for an action to refuse to issue, suspend, revoke or refuse to renew a certificate issued under section 523, subsection 1:

1. Fraud or deceit. The practice of fraud or deceit in obtaining a certificate under section 523, subsection 1;

2. Violation of chapter or rule. Any violation of this chapter or any rule adopted by the authority;

3. Failure to maintain insurance. Failure to maintain health and accident insurance required by section 523, subsection 1, paragraph J; and

4. Conviction of certain crimes. Conviction of a crime that involves dishonesty or false statement that relates directly to the practice for which the applicant is certified or requesting certification or that relates directly to an applicant's qualifications for a certificate under section 523, subsection 1. The board shall consider such a conviction in the same manner as a licensing agency pursuant to Title 5, chapter 341.

**Sec. 6. 8 MRSA §531** is enacted to read:

**§531. Complaint investigation; confidentiality**

Complaints and investigative records of the authority relating to a violation of this chapter or any rule adopted by the authority are confidential to the same extent provided for licensing boards and commissions under Title 10, section 8003-B.

**Sec. 7. 8 MRSA §532** is enacted to read:

**§532. Fines; enforcement**

The board may, after a hearing under Title 5, chapter 375, subchapter 4, impose a fine of not more than \$500 for each violation against a person who violates this chapter or rules adopted pursuant to this chapter or who participates in a mixed martial arts competition, exhibition or event without the certificate described under section 523, subsection 1. The Attorney General may bring an action in Superior Court to enjoin a martial arts competition, exhibition or event from occurring for which the promoter's fee has not been paid or a participant who does not meet the quali-

fications of this chapter from participating in the competition, exhibition or event.

**Sec. 8. 17-A MRSA §515, sub-§2-A**, as enacted by PL 2009, c. 352, §3, is amended to read:

~~2-A. Effective March 1, 2010, this~~ This section does not apply to any mixed martial arts competition, exhibition or event authorized pursuant to Title 8, chapter 20 as long as rules have been adopted by the Mixed Martial Arts Authority of Maine pursuant to Title 8, chapter 20.

**Sec. 9. Retroactivity.** That section of this Act that amends the Maine Revised Statutes, Title 8, section 523 is retroactive to March 1, 2010.

See title page for effective date.

**CHAPTER 583**

**H.P. 1138 - L.D. 1610**

**An Act To Establish the Silver Alert Program**

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

**Sec. 1. 25 MRSA c. 259** is enacted to read:

**CHAPTER 259**

**SILVER ALERT PROGRAM**

**§2201. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Department. "Department" means the Department of Public Safety.

2. Missing senior citizen. "Missing senior citizen" means a person:

A. Who at the time the person is first reported missing is 60 years of age or older or, under extraordinary circumstances, a person 18 to 59 years of age who also meets the criteria in paragraphs B and C;

B. With respect to whom there is a clear indication that the person has an irreversible deterioration of intellectual faculties such as dementia, as determined by a local law enforcement agency; and

C. Whose disappearance poses a credible threat to the safety and health of the person as determined by a local law enforcement agency.

3. Media. "Media" means print, radio, Internet-based communication systems or other methods of communicating information to the public.