

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

erald ash borer and the Asian longhorned beetle. The Director of the Bureau of Forestry may propose modifications to the definition of "firewood" under section 2 to the joint standing committee of the Legislature having jurisdiction over forestry matters to achieve the intent of this legislation.

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

Effective April 1, 2010.

**CHAPTER 586
H.P. 1174 - L.D. 1646**

**An Act To Establish a
Broadband Policy for Maine**

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 availability of broadband service to all residents of the State is important for economic growth and opportunity; and

Whereas, facilitating increased use of broadband in this State will spur further broadband infrastructure investment and result in benefits to the users and to the economy of the State; and

Whereas, the federal American Recovery and Reinvestment Act of 2009 has set aside \$7,200,000,000 for broadband expansion in unserved and underserved areas of the Nation, and over \$25,000,000 of those funds have been granted to a middle-mile broadband project in the State that will result in further private investment in last-mile infrastructure in the State; and

Whereas, the State will be benefited by attracting and receiving further federal funding for additional broadband projects in this State; and

Whereas, part of the process for receiving federal funds includes a review by the State to determine whether each grant application is consistent with the State's broadband policy; and

Whereas, all grant awards under the federal American Recovery and Reinvestment Act of 2009 are scheduled to be awarded prior to the commencement of the 125th Legislature; 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. 35-A MRSA §9202-A is enacted to read:

§9202-A. State broadband policy

1. Goal. It is the goal of the State that:

A. Broadband service become and remain, as nearly as possible, universally available in this State, including to all residential and business locations and community anchor institutions in the State; and

B. A secure, reliable and sustainable forward-looking infrastructure that can meet future broadband needs is developed.

2. Policy. It is the policy of the State to:

A. Maximize sustainable private investment in broadband infrastructure in the State and to promote broadband infrastructure deployment and availability to all individuals, businesses and institutions in this State, including those that require ultra high-speed Internet access;

B. Maximize federal grant resources and private investment opportunities to support the deployment of broadband infrastructure in unserved and underserved areas of the State in a manner consistent with paragraph A;

C. Prioritize the use of state broadband resources to assist private infrastructure deployment in unserved and underserved areas of the State;

D. Maximize the number of state permits and licenses that may be obtained or renewed online at rates equal to or less than the rates set for obtaining or renewing the permits or licenses in person;

E. Increase the number of subscribers to broadband services in the State so as to ensure that all residents of the State are able to fully take advantage of the economic opportunities available through broadband Internet connectivity, including by:

(1) Educating residents of the State about the benefits and opportunities associated with broadband services, such as distance learning opportunities, opportunities in telemedicine, as defined in Title 24-A, section 4316, and state programs available online; and

(2) Educating small businesses regarding the advantages of broadband access, such as online business reporting and tax filings and national and global sales opportunities; and

F. Seek to expand computer ownership and training in this State and ensure appropriate computer

equipment is available for use by public school students.

In order to facilitate the achievement of the goals and policies of this section, the authority shall establish and regularly update, after opportunity for public comment and taking into consideration relevant federal policies, a definition of "broadband."

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

Effective April 1, 2010.

CHAPTER 587

H.P. 1112 - L.D. 1574

An Act To Amend the Rights and Liabilities of the Supervising Physician of a Physician Assistant

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

Sec. 1. 37-B MRSA §185, sub-§1-A is enacted to read:

1-A. Immunity from civil and criminal liability for supervising physician. Subsection 1 applies to the supervising physician of a physician assistant under Title 32, section 2594-B or 3270-B:

A. With regard to any act of the physician assistant in providing services to individuals not on active state service;

B. When the physician assistant is on active state service in the performance of the physician assistant's duty; and

C. When the supervising physician is not on active state service.

See title page for effective date.

CHAPTER 588

H.P. 1148 - L.D. 1620

An Act To Protect Health Care Consumers from Catastrophic Debt

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

Sec. 1. 24-A MRSA §4317 is enacted to read:

§4317. Prohibition against maximum aggregate benefit provisions

1. Prohibition. An individual or group health plan issued or renewed by a carrier on or after the effective date of this section may not include a provision in a policy, contract, certificate or agreement that purports to terminate payment of any additional claims for coverage of health care services after a defined maximum aggregate dollar amount of claims for coverage of health care services on an annual, lifetime or other basis has been paid under the health plan for coverage of an insured individual, family or group.

2. Specific benefits. This section may not be construed to limit the ability of a carrier to offer a health plan that limits benefits under the health plan for specified health care services on an annual basis.

3. Exceptions. This section does not apply to:

A. An individual health plan in effect on the effective date of this section with an annual or lifetime maximum aggregate benefit limit of less than \$1,000,000;

B. A health plan designed for an employee who works on a part-time, temporary or seasonal basis or designed as short-term coverage for an employee who is fulfilling a waiting period for coverage under another employer-sponsored benefit plan;

C. An individual health plan in effect on the effective date of this section issued pursuant to a conversion privilege in a group health insurance policy subject to section 2809-A;

D. A pilot project to offer an individual health plan to a person under 30 years of age pursuant to section 2736-C, subsection 10; and

E. Blanket health insurance as defined in section 2813.

4. Disclosure. A health plan issued after the effective date of this section that includes an annual or lifetime maximum aggregate benefit limit as permitted under subsection 3 must include a disclosure of the applicable limit on the face page of the individual policy or group certificate. The disclosure must be printed in a font that is larger or bolder than the font used in the body of the face page.

Sec. 2. Rulemaking. The Superintendent of Insurance shall undertake rulemaking in accordance with the Maine Revised Statutes, Title 5, chapter 375 to amend any rule adopted by the Department of Professional and Financial Regulation, Bureau of Insurance that conflicts with this Act. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Application. The requirements of this Act apply to all policies, contracts and certificates sub-