

# 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**

the Department of Corrections or period of probation is completed and if the restitution ordered has not been paid in full, the offender is subject to the provisions of section 1326-F and, in the event of a default, the provisions of section 1329, including a specification by the court of the time and method of payment of monetary compensation upon a finding of excusable default. The state agency receiving the restitution shall deposit any money received in the account maintained by the Treasurer of State for deposit of state agency funds, from which funds are daily transferred to an investment account and invested. Interest accrued on that money is the property of and accrues to the State for deposit in the General Fund. The agency receiving the restitution shall make the disbursement to the victim or other authorized claimant as soon as possible after the agency receives the money.

**Sec. 13.** 17-A MRSA §1326-B, sub-§1, as enacted by PL 1999, c. 469, §1, is amended to read:

**1.** When restitution is required of an offender who will not be commencing service of a period of institutional confinement, who does not receive a sentence that includes a period of probation and who is employed, the court shall, at the time of ordering restitution, enter a separate order for income withholding. When restitution is required of an offender who receives a sentence that includes a period of probation and who is employed, upon application of the offender's probation officer, the court shall enter a separate order for income withholding. The withholding order must direct the employer to deduct from all income due and payable to the offender an amount ~~required by the court~~ determined pursuant to section 1326-A to meet the offender's restitution obligation. The withholding order must include an instruction to the employer that upon receipt of a copy of the withholding order the employer shall:

- A. Immediately begin to withhold the offender's income when the offender is usually paid;
- B. Send each amount withheld to the agency to which restitution has been ordered to be paid at the address set forth in the order within 7 business days of the withholding; and
- C. Identify each amount sent to the agency by indicating the court's docket number.

**Sec. 14.** 17-A MRSA §1326-F is enacted to read:

**§1326-F. Former Department of Corrections' clients owing restitution**

An offender is responsible for paying any restitution outstanding at the time the term of commitment to the Department of Corrections or period of probation is completed. An offender who has complied with the time and method of payment of monetary compensation determined by the Department of Corrections dur-

ing the period of probation shall continue to make payments to the Department of Corrections in accordance with that payment schedule unless modified by the court pursuant to section 1328-A or 1329. An offender who has not complied with the time and method of payment of monetary compensation determined by the Department of Corrections during the period of probation must be returned to the court for further disposition pursuant to section 1329. An offender who is unconditionally released and discharged from institutional confinement with the Department of Corrections upon the expiration of the sentence must, upon application of the office of the attorney for the State, be returned to the court for specification by the court of the time and method of payment of monetary compensation, which may be ordered paid to the office of the attorney for the State who prosecuted the case or to the clerk of the court. Prior to the offender's release and discharge, the Department of Corrections shall provide the office of the attorney for the State who prosecuted the case written notice as to the amount of restitution outstanding.

**Sec. 15.** 17-A MRSA §1329, sub-§6 is enacted to read:

6. Payments made pursuant to this section must be made to the same agency to which the restitution was required to be paid under section 1326-A or section 1326-F, except that if the offender is no longer in the custody or under the supervision of the Department of Corrections the payments must be made to the office of the attorney for the State who prosecuted the case or the clerk of the court, as ordered by the court.

See title page for effective date.

**CHAPTER 609**

**S.P. 735 - L.D. 1819**

**An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform**

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

**Sec. 1.** 2 MRSA §104, sub-§7, ¶F, as enacted by PL 2007, c. 441, §1, is amended to read:

F. Identifying specific potential reductions in total health care spending without shifting costs onto consumers and without reducing access to needed items and services for all persons, regardless of individual ability to pay. In identifying specific potential reductions pursuant to this paragraph, the council shall recommend methods to reduce the rate of increase in overall health care

spending and the rate of increase in health care costs to a level that is equivalent to the rate of increase in the cost of living to make health care and health coverage more affordable for people in this State; ~~and~~

**Sec. 2. 2 MRSA §104, sub-§7, ¶G,** as enacted by PL 2007, c. 441, §1, is amended to read:

G. Beginning March 1, 2008 and annually thereafter, ~~make~~ making specific recommendations relating to paragraphs A to F ~~and to paragraph H~~ to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters and to any appropriate state agency; ~~and~~

**Sec. 3. 2 MRSA §104, sub-§7, ¶H** is enacted to read:

H. Reviewing and evaluating strategies for payment reform in the State's health care system to assess whether proposed payment reform efforts follow the guiding principles developed by the council and identifying any statutory or regulatory barriers to implementation of payment reform.

**Sec. 4. Advisory Council on Health Systems Development; payment reform.** The Advisory Council on Health Systems Development, referred to in this section as "the council," shall work collaboratively with sponsors of payment reform models and other stakeholders to advance payment reform efforts in the State. The council shall:

1. Consider emerging research and its implications for payment reform in the State;
2. Assess the merits of proposed payment reform models against the guiding principles developed by the council;
3. Develop an approach for building consumer awareness of payment reform models;
4. Identify any statutory and regulatory changes needed to advance models for payment reform; and
5. Design a 3-year demonstration project to advance payment reform models.

The council shall consult with the Attorney General and the Department of Professional and Financial Regulation, Bureau of Insurance for technical expertise. The council shall submit to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters a preliminary report outlining suggested legislation no later than December 1, 2010. The council shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the

joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters no later than January 15, 2011.

See title page for effective date.

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**CHAPTER 610**

**H.P. 1105 - L.D. 1568**

**An Act To Clarify Maine's  
Phaseout of Polybrominated  
Diphenyl Ethers**

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

**Sec. 1. 38 MRSA §1310-B, sub-§2,** as amended by PL 2009, c. 397, §1, is further amended to read:

**2. Hazardous waste information and information on mercury-added products and electronic devices and mercury reduction plans; chemicals.** Information relating to hazardous waste submitted to the department under this subchapter, information relating to mercury-added products submitted to the department under chapter 16-B, information relating to electronic devices submitted to the department under section 1610, subsection 6-A ~~or~~ information relating to mercury reduction plans submitted to the department under section 585-B, subsection 6 or information related to products that contain the "deca" mixture of polybrominated diphenyl ethers submitted to the department under section 1609 may be designated by the person submitting it as being only for the confidential use of the department, its agents and employees, the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services and their agents and employees, other agencies of State Government, as authorized by the Governor, employees of the United States Environmental Protection Agency and the Attorney General and, for waste information, employees of the municipality in which the waste is located. The designation must be clearly indicated on each page or other portion of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the person submitting the information and the general nature of the information. Upon a request for information, the scope of which includes information so designated, the commissioner shall notify the submitter. Within 15 days after receipt of the notice, the submitter shall demonstrate to the satisfaction of the department that the designated informa-