

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

Sec. 9. 24-A MRSA §2436, sub-§2-A, as amended by PL 2003, c. 469, Pt. D, §4 and affected by §9, is repealed and the following enacted in its place:

2-A. For a claim submitted by a health care provider or health care facility with respect to a health plan as defined in section 4301-A, subsection 7, for purposes of this section, "undisputed claim" means a timely claim for payment of covered health care expenses that is submitted to a carrier in conformity with the following requirements.

A. The claim must be submitted on one of the following claims forms:

(1) For a health care facility claim submitted on paper, the standard claim form, using standards approved by a national uniform billing committee;

(2) For a health care provider claim submitted on paper, the standard claim form, using standards approved by a national uniform claim committee; and

(3) For health care facility and health care provider claims submitted electronically, an electronic form using standards approved by an accredited standards committee of the American National Standards Institute.

Sec. 10. 24-A MRSA §2436, sub-§2-B is enacted to read:

2-B. If a claim does not conform to the requirements specified in subsection 2-A and payment is denied to a health care provider or health care facility by a carrier, the health care provider or health care facility may not request payment from the insured or beneficiary and shall attempt to rectify the deficiencies with the claim and resubmit the claim to the carrier.

Sec. 11. Claim forms. For the purposes of the Maine Revised Statutes, Title 24-A, section 2436, subsection 2-A, paragraph A, subparagraph (1), it is the intent of the Legislature that the standard claim form is the UB-04. For the purposes of Title 24-A, section 2436, subsection 2-A, paragraph A, subparagraph (2), it is the intent of the Legislature that the standard claim form is the CMS-1500.

Sec. 12. Working group. The Maine Health Data Organization shall convene a working group including representatives of health care providers, health coverage carriers and other interested parties to resolve issues regarding submission of data concerning service and billing providers and to present a plan of action and implementation schedule to provide the data to the Maine Health Data Organization in a timely and accurate fashion. The working group must be cochaired by one person chosen by the providers and one person chosen by the carriers. By November 15, 2010, the working group shall report to the Joint Standing Committee on Health and Human Services

with a plan to resolve the service and provider issues and with an implementation schedule.

See title page for effective date.

CHAPTER 614

H.P. 1206 - L.D. 1705

An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties

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

Sec. 1. 20-A MRSA §1001, sub-§9-A, as enacted by PL 1995, c. 322, §5, is amended to read:

9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency.

A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq.

B. Nothing in this subsection prevents a school board from:

(1) Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by the ~~district~~ school board and for which the school board has adopted appropriate safeguards to ensure student safety; or

(2) Providing educational services in an alternative setting to a student who has been expelled.

C. In accordance with the proper investigation and due process provisions required in subsection 9, a principal may suspend immediately for good cause a student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection.

Sec. 2. 20-A MRSA §6552, sub-§1, as amended by PL 2007, c. 67, §1, is further amended to read:

1. Prohibition. A person may not possess a firearm on public school property or the property of an approved private school or discharge a firearm within 500 feet of public school property or the property of an approved private school. ~~For purposes of this subsection, public school property includes property of a community college that adopts a policy imposing such a prohibition.~~

Sec. 3. 20-A MRSA §6552, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

2. Exceptions. The provisions under subsection 1 do not apply to the following.

A. The prohibition on the possession and discharge of a firearm does not apply to law enforcement officials.

B. The prohibition on the possession of a firearm does not apply to the following persons, if the possession is authorized by a written policy adopted by the school board:

(1) A person who possesses an unloaded firearm for use in a supervised educational program approved and authorized by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; and

(2) A person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that:

(a) Is held during an open firearm season established under Title 12, Part 13 for any species of wild bird or wild animal;

(b) Takes place outside of regular school hours; and

(c) Is authorized by the school board.

C. The prohibition on possession and discharge of a firearm does not apply to a person possessing a firearm at a school-operated gun range or a person discharging a firearm as part of a school-sanctioned program at a school-operated gun range if the gun range and the program are author-

ized by a written policy adopted by the school's governing body.

See title page for effective date.

CHAPTER 615

S.P. 710 - L.D. 1810

An Act To Implement the Recommendations of the Governor's Ocean Energy Task Force

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

Whereas, in 2008, crude oil prices reached \$147 per barrel, and gasoline and heating oil prices reached over \$4 per gallon, highlighting our State's long over-reliance on oil for home-heating and fuel for our vehicles and on natural gas and other fossil fuels to produce electricity; and

Whereas, along with the foreseeable prospect of prolonged high or higher fossil fuel prices, the implications of climate change, driven by greenhouse gas emissions from combustion of fossil fuels, and its attendant threats to the environment, economy, social fabric and human health underscore the urgent need to significantly reduce and minimize our State's dependence on oil and gas; and

Whereas, renewable ocean energy holds enormous promise to address our state and regional energy goals, including energy independence and security and limiting exposure to fossil fuels' price and supply volatility; to ensure attainment of our greenhouse gas emissions reduction goals; and to provide significant economic opportunities for our citizens; and

Whereas, state and adjoining federal waters feature significant offshore wind, tidal and wave power energy resources, including world-class and untapped deep-water wind resources with the potential to make a significant contribution to the State's energy sources to meet the State's changing needs for renewable sources of light and power, heat and transportation fuel; to meet the State's ambitious renewable energy portfolio standards; and to position the State to be an exporter of clean, renewable indigenous energy; and

Whereas, the Governor's Ocean Energy Task Force identified and made recommendations to overcome economic, technical and regulatory obstacles and to provide economic incentives for vigorous and efficient development of these promising indigenous, renewable ocean energy resources in ways that recognize the concurrent need to sustain the ongoing biological integrity of the State's waters, the vitality and