

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

Sec. 10. 32 MRSA §4859, sub-§6, as amended by PL 2007, c. 402, Pt. R, §4, is further amended to read:

6. License veterinary technicians. License veterinary technicians in accordance with procedures as the board may prescribe by rule. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; and

Sec. 11. 32 MRSA §4859, sub-§9 is enacted to read:

9. Veterinarian health program. The board may establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee's reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocol may not prohibit an impaired veterinarian or veterinary technician from seeking alternative forms of treatment.

The board has the power to contract with other agencies, individuals, firms or associations for the conduct and operation of a veterinarian health program operated by a professional review committee.

Sec. 12. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Licensing and Enforcement 0352

Initiative: Allocates dedicated revenue funds for the State Board of Veterinary Medicine and the Board of Licensure of Podiatric Medicine to contract with an agency to operate a podiatrist health program and a veterinarian health program beginning in September 2011.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$13,983	\$13,983
OTHER SPECIAL REVENUE FUNDS TOTAL	\$13,983	\$13,983

See title page for effective date.

**CHAPTER 191
S.P. 141 - L.D. 437**

An Act Relating to Inspection Requirements for New Motor Vehicles

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

Sec. 1. 29-A MRSA §1754, sub-§1-A is enacted to read:

1-A. New motor vehicles exempt from inspection. A new motor vehicle owned by a new vehicle dealer, as defined in section 851, subsection 9, with a dealer plate is exempt from motor vehicle inspection requirements under section 1751 only if the motor vehicle is operated in a manner consistent with section 1002, subsection 1, paragraphs A and E. For purposes of this subsection, "new motor vehicle" means a motor vehicle of the current model year or model year immediately preceding the current model year that has not been previously registered or titled.

This subsection does not allow the operation of unsafe motor vehicles on a public way.

Sec. 2. 29-A MRSA §1766, sub-§3, as amended by PL 2001, c. 234, §3, is further amended to read:

3. Fee. Stickers Except as provided in subsection 3-A, stickers are furnished by the Chief of the State Police at \$2.50 each.

Sec. 3. 29-A MRSA §1766, sub-§3-A is enacted to read:

3-A. Fee for new vehicle dealers. Stickers furnished to a new vehicle dealer, as defined in section 851, subsection 9, by the Chief of the State Police are \$3.50 each.

See title page for effective date.

**CHAPTER 192
S.P. 296 - L.D. 950**

An Act To Exempt Health Care Sharing Ministries from Insurance Requirements

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

Sec. 1. 24-A MRSA §704, sub-§1, as enacted by PL 2001, c. 79, §1, is amended to read:

1. Health insurance. For purposes of this Title, except as provided in subsection 2 and subsection 3,

"health insurance" means insurance of human beings against bodily injury, disablement or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance appertaining thereto, including provision for the mental and emotional welfare of human beings by defraying the costs of legal services only to the extent provided for in chapter 38.

Sec. 2. 24-A MRSA §704, sub-§3 is enacted to read:

3. Health care sharing ministry. As used in this Title and Title 24, the use of "health insurance" and related terms such as "accident and health insurance," "accident and sickness insurance," "carrier," "health," "health benefit plan," "health care," "health insurer" or "insurer" does not include, unless specifically provided otherwise in the law, a health care sharing ministry, and a health care sharing ministry may not be considered to be engaged in the business of insurance for the purposes of this Title. For the purposes of this section, "health care sharing ministry" means a faith-based, nonprofit organization that is exempt from taxation under the federal Internal Revenue Code and that:

A. Has been in existence continuously since December 31, 1999 and has facilitated the sharing of medical expenses of participants without interruption since December 31, 1999;

B. Limits participation in the health care sharing ministry to individuals who have a particular religious affiliation;

C. Acts as a facilitator among participants who have financial and medical needs and matches those participants with other participants with the present ability to assist those with financial and medical needs in accordance with criteria established by the health care sharing ministry;

D. Provides for the financial and medical needs of a participant through monetary contributions from one participant to another;

E. Provides amounts that participants may contribute without any assumption of risk or promise to pay among the participants and requires no assumption of risk or promise to pay by the health care sharing ministry to the participants;

F. Provides a written monthly statement to all participants that lists the total dollar amount of qualified needs submitted to the health care sharing ministry, as well as the amount actually published or assigned to participants for their contribution;

G. Conducts an annual audit that is performed by an independent certified public accountant in accordance with generally accepted accounting principles and that is made available to the public upon request; and

H. Provides a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization that reads in substance: "Notice: The organization facilitating the sharing of medical expenses is not an insurance company and neither its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to assist you with your medical bills will be totally voluntary because no other participant will be compelled by law to contribute toward your medical bills. Participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of whether you receive payment for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills."

See title page for effective date.

CHAPTER 193

H.P. 875 - L.D. 1177

An Act To Make Minor Changes to Municipal Health Inspection Activities

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

PART A

Sec. A-1. 22 MRSA §2491, sub-§1, as amended by PL 1979, c. 30, §1, is further amended to read:

1. Campground. "~~Camping area~~ **Campground**" means, in addition to the ~~general~~ generally accepted ~~interpretations~~ definitions, camping areas, recreational vehicle parks, seashore resorts, lakeshore places, picnic and lunch grounds or other premises where tents or recreational vehicles, rental cabins and cottages are permitted ~~to be parked on 5 or more sites~~ for compensation either directly or indirectly. "Campground" includes, but is not limited to, sites intended for recreational purposes rather than permanent residency. "Campground" does not include parking lots or areas where camping is not authorized.

Sec. A-2. 22 MRSA §2491, sub-§4, as enacted by PL 1975, c. 496, §3, is amended to read: