

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

8. Bail commissioners in indigent cases. The Chief Judge of the District Court may adopt rules requiring a bail commissioner to appear and set bail regardless of whether the defendant is indigent and unable to pay the bail commissioner's fee. The Chief Judge of the District Court may also adopt rules governing the manner in which a bail commissioner is paid in the event an indigent person is released on bail and is unable to pay the bail commissioner's fee.

Sec. 4. Rules.

1. Electronic verification. Notwithstanding the Maine Revised Statutes, Title 10, section 9503, the Supreme Judicial Court may adopt rules to allow for the use in the judicial branch of electronic signatures, digital signatures, digital watermarks or other appropriate security devices to ensure the validity of electronically transmitted and stored warrants and to ensure that such warrants are appropriately tracked and can be validated. The court shall consult and cooperate with the Secretary of State to ensure that its rules will not interfere with the transfer of data and signatures between branches and departments of State Government. Electronic signatures and digital signatures executed or adopted by a person or entity pursuant to these rules are presumed to be valid as provided in Title 10, chapter 1051.

2. Resolution in other court. The Supreme Judicial Court may adopt rules to provide that an individual who is arrested in a county or district, other than the county or district whose court issued the warrant, for the commission of a Class D or Class E crime, for the failure to appear for a Class D or Class E crime or for a civil violation or for the failure to pay a fine for any crime or civil violation, may waive the right to a trial and any objections to venue and return to the court that issued the warrant and plead guilty and be sentenced, pay a fine or otherwise have the matter disposed of by the appropriate court in the arresting district.

3. Local entering agencies. The Commissioner of Public Safety, with the concurrence of the Attorney General, may adopt rules to provide additional requirements or standards of operation that apply to local entering agencies. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. Warrant repositories in existence on effective date; construction. Nothing in this Act is intended or may be construed to affect the validity of any warrant issued by a court or other authorized entity prior to the effective date of this Act. Nothing in this Act is intended to deauthorize or otherwise affect the authority of warrant repositories established pursuant to the Maine Revised Statutes, Title 15, former chapter 99 that are in existence on the effective date of this Act.

Sec. 6. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 15, chapter 99, enact Title 15, chapter 100 and enact Title 15, section 1023, subsection 8 take effect February 1, 2012.

See title page for effective date, unless otherwise indicated.

CHAPTER 215

H.P. 791 - L.D. 1056

An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992

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

Whereas, there is a long waiting list of injured workers in need of independent medical examinations due to the shortage of available independent medical examiners, which has been further exacerbated by the recent and unexpected retirement of a specialist who had 12 pending cases; 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. 39-A MRSA §312, sub-§1, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

1. Examiner system. The board shall develop and implement an independent medical examiner system consistent with the requirements of this section. As part of this system, the board shall, in the exercise of its discretion, create, maintain and periodically validate a list of not more than 50 health care providers that it finds to be the most qualified and to be highly experienced and competent in their specific fields of expertise and in the treatment of work-related injuries to serve as independent medical examiners from each of the health care specialties that the board finds most commonly used by injured employees. An independent medical examiner must be certified in the field of practice that treats the type of injury complained of by the employee. Certification must be by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association

or their successor organizations. The board shall establish a fee schedule for services rendered by independent medical examiners and adopt any rules considered necessary to effectuate the purposes of this section.

Sec. 2. 39-A MRSA §312, sub-§2, as amended by PL 2005, c. 24, §1, is further amended to read:

2. Duties. An independent medical examiner shall render medical findings on the medical condition of an employee and related issues as specified under this section. The independent medical examiner in a case may not be the employee's treating health care provider and may not have treated the employee with respect to the injury for which the claim is being made or the benefits are being paid. Nothing in this subsection precludes the selection of a provider authorized to receive reimbursement under section 206 to serve in the capacity of an independent medical examiner. Unless agreed upon by the parties or no other physician is reasonably available, a physician who is not eligible to be assigned as an independent medical examiner if the physician has examined an employee at the request of an insurance company, employer or employee in accordance with section 207 or has been closely affiliated with the insurance company at any time during the previous 52 weeks is not eligible to serve as an. An independent medical examiner selected and paid for by an employer to examine an employee in accordance with section 207 is limited to 12 such examinations per calendar year and shall notify the board of the name of the employee, the employer or the insurance company that requested the examination and the date of the examination within 10 days of the date of the examination.

Sec. 3. Report. The Workers' Compensation Board shall submit a report that includes its findings and recommendations by January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters regarding the board's review of the independent medical examiner selection process pursuant to the Maine Revised Statutes, Title 39-A, section 312 and the number of independent medical examiners who have examined employees in accordance with Title 39-A, section 207. The joint standing committee is authorized to introduce a bill related to the board's report to the First Regular Session of the 126th Legislature.

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

Effective June 3, 2011.

CHAPTER 216
H.P. 687 - L.D. 927

**An Act To Change the Coyote
Night Hunting Law**

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

Sec. 1. 12 MRSA §12001, sub-§1, as amended by PL 2009, c. 550, §6, is further amended to read:

1. Coyote hunting. Notwithstanding the night hunting prohibitions in section ~~11206-A~~ 11206, there is an open season for hunting coyotes at night in all counties of the State from December 16th to August 31st.

Notwithstanding section 11214, subsection 1, paragraph M, the commissioner may appoint agents to hunt for coyotes at night using artificial illumination from September 1st to December 15th. The commissioner shall develop policies to make the affected public and affected law enforcement officers aware of any night hunting operations.

See title page for effective date.

CHAPTER 217
H.P. 1056 - L.D. 1435

**An Act To Adopt the Interstate
Prescription Monitoring
Program Compact**

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

Sec. 1. 22 MRSA c. 1604 is enacted to read:

CHAPTER 1604

**INTERSTATE PRESCRIPTION MONITORING
PROGRAM COMPACT**

§7261. Purpose - Article 1

The purpose of the interstate prescription monitoring program compact, referred to in this chapter as "the compact," is to provide a mechanism for state prescription monitoring programs to securely share prescription data to improve public health and safety. The compact is intended to:

1. Enhance state prescription monitoring programs. Enhance the ability of state prescription monitoring programs, in accordance with state laws, to provide an efficient and comprehensive tool for:

A. Practitioners to monitor patients and support treatment decisions;