

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

(4) A requirement that a motor vehicle owner register for a new motor vehicle service contract with the provider in order to maintain coverage under the motor vehicle owner's current motor vehicle service contract or manufacturer's original equipment warranty.

2. Cease and desist order. The superintendent may issue a cease and desist order pursuant to section 12-A, subsection 2 if, after a hearing, the superintendent finds that any person in the State has engaged or is engaging, or that a resident of the State has engaged or is engaging in another state, in an unfair or deceptive practice not described in this chapter or in rules adopted pursuant to this chapter. For any practice not described in this chapter or in rules adopted pursuant to this chapter, the civil penalties set forth in section 12-A, subsection 1 may not be imposed for practice engaged in prior to the issuance and service of a valid cease and desist order.

§7111. Rule-making authority

The superintendent may adopt rules necessary to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§7112. Transition

The exemptions in section 7101, subsection 3 are effective immediately upon the effective date of this chapter and extend to contracts that are already in force. All other service contracts entered into, renewed or offered for sale in this State on or after January 1, 2012 must comply with this chapter. The exemptions in section 7101, subsection 4 apply to all service contracts entered into, renewed or offered for sale on or after the provider's registration date.

Sec. 5. Election before January 1, 2012. A service contract provider may elect to implement the requirements of the Maine Revised Statutes, Title 24-A, chapter 89 before January 1, 2012. If a provider applies for registration with the Superintendent of Insurance on or before December 31, 2011, it may elect to make its in-force contracts subject to the requirements of Title 24-A, chapter 89. If a provider conforms its in-force contracts to the requirements and sends notice to all of its existing contract holders in this State making the required disclosures on or before December 31, 2011, the exemptions in Title 24-A, section 7101, subsection 4 apply to all service contracts entered into, renewed or offered for sale before the provider's registration date.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF**

Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates funds for costs related to the review of service contract provider or administrator initial and renewal registrations.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$3,159	\$4,012
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,159	\$4,012

Insurance - Bureau of 0092

Initiative: Allocates funds for one half-time Assistant Insurance Analyst position and related costs to review service contract provider or administrator initial and renewal registrations.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - FTE COUNT	0.500	0.500
Personal Services	\$25,600	\$38,809
All Other	\$1,621	\$1,809
OTHER SPECIAL REVENUE FUNDS TOTAL	\$27,221	\$40,618

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$30,380	\$44,630
DEPARTMENT TOTAL - ALL FUNDS	\$30,380	\$44,630

Sec. 7. Effective date. This Act takes effect January 1, 2012.

Effective January 1, 2012.

CHAPTER 346

S.P. 490 - L.D. 1540

**An Act To Encourage Science,
Technology, Engineering and
Mathematics Education**

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

Whereas, according to the United States Department of Labor, Bureau of Labor Statistics projections for labor force needs over the next decade, 18 of the 20 fastest-growing occupations are directly related to knowledge and education in the areas of science, technology, engineering and mathematics; and

Whereas, less than 5% of Maine high school students score at the advanced level in mathematics and less than 15% of Maine's bachelor's degrees are awarded in the areas of science, technology, engineering and mathematics; and

Whereas, it is necessary to enact this legislation immediately in order that the Science, Technology, Engineering and Mathematics Council established in this Act may begin its work in time to make its initial report by January 2012; 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. 5 MRSA §12004-C, sub-§8 is enacted to read:

8.

Science, Technology, Engineering and Mathematics Council Expenses Only 20-A MRSA §11

Sec. 2. 20-A MRSA §11 is enacted to read:

§11. Science, Technology, Engineering and Mathematics Council

1. Establishment; composition. The Science, Technology, Engineering and Mathematics Council, established in Title 5, section 12004-C, subsection 8 and referred to in this section as "the council," consists of the following 16 members:

A. Five ex officio members:

- (1) The Commissioner of Education or the commissioner's designee;
- (2) The Chancellor of the University of Maine System or the chancellor's designee;
- (3) The President of the Maine Community College System or the president's designee;

(4) The President of the Maine Maritime Academy or the president's designee; and

(5) The Commissioner of Labor or the commissioner's designee; and

B. The following 11 members, appointed by the Governor:

(1) A representative from the University of Maine, Maine Center for Research in STEM Education;

(2) A representative who teaches in elementary or middle school;

(3) A representative who teaches science or mathematics in secondary school;

(4) A representative who teaches in a technical school;

(5) A representative of public and private education partnerships;

(6) A representative of a statewide science, technology, engineering and mathematics collaborative;

(7) Two representatives from the business sector who employ workers with training in science, technology, engineering or mathematics;

(8) A representative employed in an industry related to science, technology, engineering or mathematics;

(9) A representative who teaches in an equivalent instruction program that is approved as an alternative to public school as set forth in section 5001-A, subsection 3; and

(10) A representative from the State Board of Education.

2. Terms; vacancy. The members of the council appointed pursuant to subsection 1, paragraph B serve for 2-year terms and serve until their successors are appointed and qualified. On the expiration of a term of any member, a successor must be appointed to a 2-year term. A member of the council is eligible for reappointment to the council. A vacancy in the council does not impair the right of a quorum of the members to exercise all the rights and perform all the duties of the council. In the event of a vacancy occurring in the membership, the Governor shall appoint a replacement member for the remainder of the unexpired term in the same manner as the original appointment was made.

3. Duties. The council shall develop strategies for enhancing science, technology, engineering and mathematics education from prekindergarten through postsecondary education and:

A. Review research that has been conducted on science, technology, engineering and mathematics education in the State and recommend strategic directions for consideration by policymakers as they identify future investments in science, technology, engineering and mathematics;

B. Plan for coordinated state leadership with respect to science, technology, engineering and mathematics education and initiatives;

C. Develop initiatives to promote science, technology, engineering and mathematics education;

D. Devise strategies for promoting career and technical education alignment and supporting early career planning and transition supports from high school to college and to the workforce; and

E. Propose methods for integrating out-of-school programs focused on science, technology, engineering and mathematics with school-based programs, with the goal of inspiring more students to concentrate in the fields of science, technology, engineering and mathematics.

4. Chair; vice-chair. The council shall elect from its membership a chair and a vice-chair. The chair and vice-chair serve for one-year terms. The chair and vice-chair serve until their successors are elected. The chair calls meetings of the council and presides over meetings. The vice-chair serves as the chair in the absence of the chair.

5. Meetings; quorum; subcommittees. The council shall meet at least 2 times each year. The chair shall establish the agenda. A quorum of the council is 9 members. The council may establish subcommittees of no fewer than 3 members.

6. Compensation. Members of the council appointed pursuant to subsection 1, paragraph B are entitled to receive compensation for travel expenses as allowed under Title 5, section 12004-C, subsection 8 while engaged in council activities.

7. Assistance. The Department of Education, the University of Maine System and the Maine Community College System shall jointly provide staff support to the council.

8. Annual report. By January 15th annually, the council shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters.

Sec. 3. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 20-A, section 11, subsection 2, the terms of the 11 initial appointments made in accordance with Title 20-A, section 11, subsection 1, paragraph B are staggered as follows: 6 of the appointees must be appointed for 2-year terms and 5 of the appointees must be appointed for 3-year terms.

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

Effective June 14, 2011.

CHAPTER 347

H.P. 977 - L.D. 1331

An Act To Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy

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

Sec. 1. 5 MRSA §19201, sub-§2-B is enacted to read:

2-B. Health care facility. "Health care facility" or "facility" means a facility, institution or entity licensed pursuant to Title 22 that offers health care to persons in this State, including a home health care provider and hospice program. "Health care facility" or "facility" includes a pharmacy licensed pursuant to Title 32.

Sec. 2. 5 MRSA §19203, sub-§9, as amended by PL 1999, c. 512, Pt. B, §2 and affected by §§5 and 6, is further amended to read:

9. Medical records. As part of a medical record when release or disclosure of that record is authorized pursuant to section 19203-D; ~~or~~

Sec. 3. 5 MRSA §19203, sub-§10, ¶B, as amended by PL 1995, c. 319, §1, is further amended to read:

B. A victim-witness advocate authorized by section 19203-F to receive the test results of a person convicted of a sexual crime as defined in section 19203-F, subsection 1, paragraph C, who shall disclose to a victim under section 19203-F, subsection 4; ~~or~~

Sec. 4. 5 MRSA §19203, sub-§11 is enacted to read:

11. Access by health information exchange or other entity. To a statewide health information exchange designated by the State that provides and maintains an individual protection mechanism by which an individual may choose to opt in to allow that statewide health information exchange to disclose that individual's health care information covered under this section to a health care provider or health care facility for purposes of treatment, payment and health care operations, as those terms are defined in 45 Code of Federal Regulations, Section 164.501. A state-designated