

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

D. Ten points each year after the 15th year.

Each point entitles an applicant to one chance in the public chance drawing. A person's accumulated points are eliminated and that person begins to accumulate points anew if in any year that person is selected to receive a moose hunting permit or if that person fails to purchase a new chance in any 2 consecutive years.

A person who is ineligible to receive a moose hunting permit as provided in subsection 5 may continue to purchase points for each year that person is ineligible to receive a moose hunting permit for the corresponding application fee under subsection 6.

Sec. 9. 12 MRSA §11154, sub-§11, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. A person who applies for a moose hunting permit under this subsection is subject to the eligibility provisions of subsection 5, except that a successful applicant is not required to wait 2 3 years in order to obtain another permit.

Sec. 10. Appropriations and allocations.

The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Establishes the Moose Research and Management Fund.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$18,750	\$25,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$18,750	\$25,000

See title page for effective date.

CHAPTER 371

S.P. 392 - L.D. 1271

An Act To Require Use of the Electronic Death Registration System

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

Sec. 1. 22 MRSA §2845, as amended by PL 2003, c. 74, §3, is further amended to read:

§2845. Certificate of death typewritten or hand printed

Any A death certificate required to be filed by under this chapter by an authorized person as described in section 2846 must be typewritten or legibly hand printed prior to such filing.

Sec. 2. 22 MRSA §2847 is enacted to read:

§2847. Electronic death registration system

Beginning July 1, 2012, a certificate of death required to be filed by any person authorized under section 2842 pursuant to this chapter may be filed using the electronic death registration system maintained by the State Registrar of Vital Statistics. This section does not apply to an authorized person under section 2846. The State Registrar of Vital Statistics shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 3. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 22, section 2845 takes effect July 1, 2012.

See title page for effective date, unless otherwise indicated.

CHAPTER 372

H.P. 804 - L.D. 1069

An Act To Promote Visual and Digital Media Productions, Tourism and Job Creation in the State

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

Sec. 1. 5 MRSA §13090-M is enacted to read:

§13090-M. Visual and Digital Media Loan Program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "B-roll" means scenic background film footage that does not include actors and is not used in the final visual media production.

B. "Digital media project" has the same meaning as in section 13090-L, subsection 2-A, paragraph A.

C. "Fund" means the Visual and Digital Media Loan Fund, established pursuant to Title 10, section 1023-O.

D. "Program" means the Visual and Digital Media Loan Program established in subsection 2.

E. "Visual media production" has the same meaning as in section 13090-L, subsection 2-A, paragraph D.

2. Administration. The Visual and Digital Media Loan Program is established to promote digital media projects and visual media productions in the State that will assist in job creation and promote tourism in the State. The commissioner shall administer the program in accordance with this section.

3. Loan conditions. The commissioner may use the fund to provide loans for digital media projects or visual media productions of up to \$500,000 per project or production, not to exceed 20% of the project's or production's proposed preproduction and production budget. A loan from the fund is subject to terms and conditions prescribed by rule by the commissioner and by the Finance Authority of Maine pursuant to Title 10, section 1023-O. The rules may also provide a mechanism for reserving funds for, or giving priority to, projects or productions determined by the commissioner to most effectively promote tourism and job creation in the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. When considering loans under this section, the commissioner shall consult with the Finance Authority of Maine.

4. Loan forgiveness criteria. A borrower under a loan under subsection 3 may apply to the commissioner for loan forgiveness upon completion of the digital media project or visual media production. The borrower must demonstrate to the satisfaction of the commissioner that the following criteria have been met:

A. The project or production has a total budget, including preproduction, production and postproduction costs and expenses, that exceeds \$100,000;

B. Seventy-five percent of the completed project or production has been filmed in the State;

C. A marketing plan with respect to the project or production includes promotion and acknowledgment of the project's or production's filming in the State;

D. A signed agreement with the department provides the department with access to a film trailer and all b-roll footage, if applicable, provided free of charge to the State for tourism promotion activities; and

E. A signed agreement with the department provides that the project or production will not be the basis for a claim for an income tax credit under Title 36, section 5219-Y or reimbursement under Title 36, chapter 919-A.

5. Certification by commissioner. The commissioner must certify a digital media project's or visual

media production's eligibility for a loan under subsection 3 to the Finance Authority of Maine prior to the disbursement of any funds by the authority pursuant to Title 10, section 1023-O.

6. Administration. The commissioner may contract with the Finance Authority of Maine to assist in the administration of this section.

7. Repeal. This section is repealed December 31, 2015.

Sec. 2. 10 MRSA §1023-O is enacted to read:

§1023-O. Visual and Digital Media Loan Fund

1. Fund established. The Visual and Digital Media Loan Fund, referred to in this section as "the fund," is established. The fund must be deposited with and maintained by the authority. The fund must be administered by the Commissioner of Economic and Community Development in accordance with Title 5, section 13090-M. The authority and the Department of Economic and Community Development may receive money for deposit into the fund from the Treasurer of State and from any other gift, grant or other source of revenue for use pursuant to this section. All money received by the authority from any source for the development and implementation of the fund must be credited to the fund. Repayment of loans and interest on loans from the fund must be credited to the fund and may be used for the purposes stated in Title 5, section 13090-M. Interest earned on money in the fund and interest earned on loans made from the fund may be used to pay the administrative costs of processing loan applications. The authority may, in collaboration with the Commissioner of Economic and Community Development, establish by rule prudent terms and conditions for loans, including requiring adequate collateral for the loans.

2. Rulemaking. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Repeal. This section is repealed December 31, 2015.

Sec. 3. Appropriations and allocations.

The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Office of Tourism 0577

Initiative: Allocates one-time funds for the start-up costs of the Visual and Digital Media Loan Program.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$5,000	\$0

OTHER SPECIAL	\$5,000	\$0
REVENUE FUNDS TOTAL		

See title page for effective date.

CHAPTER 373

S.P. 414 - L.D. 1337

An Act To Ensure Patient Privacy and Control with Regard to Health Information Exchanges

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

Sec. 1. 22 MRSA §1711-C, sub-§7, as amended by PL 1999, c. 512, Pt. A, §5 and affected by §7, is further amended to read:

7. Confidentiality policies. A health care practitioner or facility or state-designated statewide health information exchange shall develop and implement policies, standards and procedures to protect the confidentiality, security and integrity of health care information to ensure that information is not negligently, inappropriately or unlawfully disclosed. The policies of health care facilities must provide that an individual being admitted for inpatient care be given notice of the right of the individual to control the disclosure of health care information. The policies must provide that routine admission forms include clear written notice of the individual's ability to direct that that individual's name be removed from the directory listing of persons cared for at the facility and notice that removal may result in the inability of the facility to direct visitors and telephone calls to the individual.

Sec. 2. 22 MRSA §1711-C, sub-§8, as enacted by PL 1997, c. 793, Pt. A, §8 and affected by §10, is amended to read:

8. Prohibited disclosure. A health care practitioner or facility or state-designated statewide health information exchange may not disclose health care information for the purpose of marketing or sales without written or oral authorization for the disclosure.

Sec. 3. 22 MRSA §1711-C, sub-§18 is enacted to read:

18. Participation in a state-designated statewide health information exchange. The following provisions apply to participation in a state-designated statewide health information exchange.

A. A health care practitioner may not deny a patient health care treatment and a health insurer may not deny a patient a health insurance benefit

based solely on the provider's or patient's decision not to participate in a state-designated statewide health information exchange. Except when otherwise required by federal law, a payor of health care benefits may not require participation in a state-designated statewide health information exchange as a condition of participating in the payor's provider network.

B. Recovery for professional negligence is not allowed against any health care practitioner or health care facility on the grounds of a health care practitioner's or a health care facility's nonparticipation in a state-designated statewide health information exchange arising out of or in connection with the provision of or failure to provide health care services. In any civil action for professional negligence or in any proceeding related to such a civil action or in any arbitration, proof of a health care practitioner's, a health care facility's or a patient's participation or nonparticipation in a state-designated statewide health information exchange is inadmissible as evidence of liability or nonliability arising out of or in connection with the provision of or failure to provide health care services. This paragraph does not prohibit recovery or the admission of evidence of reliance on information in a state-designated statewide electronic health information exchange when there was participation by both the patient and the patient's health care practitioner.

C. A state-designated statewide health information exchange to which health care information is disclosed under this section shall provide an individual protection mechanism by which an individual may opt out from participation to prohibit the state-designated statewide health information exchange from disclosing the individual's health care information to a health care practitioner or health care facility.

D. At point of initial contact, a health care practitioner, health care facility or other entity participating in a state-designated statewide health information exchange shall provide to each patient, on a separate form, at minimum:

- (1) Information about the state-designated statewide health information exchange, including a description of benefits and risks of participation in the state-designated statewide health information exchange;
- (2) A description of how and where to obtain more information about or contact the state-designated statewide health information exchange;
- (3) An opportunity for the patient to decline participation in the state-designated statewide health information exchange; and