

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

CHAPTER 493
H.P. 1226 - L.D. 1636

**An Act To Extend Certain
Insurance Protection to
Emergency Responders**

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

Sec. 1. 24-A MRSA §2174-B, as amended by PL 1997, c. 114, §1, is further amended to read:

§2174-B. Law enforcement officers' and emergency responders' insurance rates

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

A. "Law enforcement officer" means any person employed by a governmental entity who by virtue of that employment is vested by law with a duty to investigate and prosecute violators of the laws of this State and to arrest the offenders of the laws.

B. "Emergency responder" means:

(1) A municipal firefighter, as defined in Title 30-A, section 3151, subsection 2; or a volunteer firefighter, as defined in Title 30-A, section 3151, subsection 4, who is operating a municipal vehicle; or

(2) An operator of a vehicle under Title 29-A, section 2054 that is licensed or authorized pursuant to Title 32, chapter 2-B as an ambulance or emergency medical services vehicle, when that operator is acting with the approval of an ambulance service or nontransporting service licensed pursuant to Title 32, chapter 2-B.

2. Law enforcement officers; emergency responders. ~~No~~ An insurer may not increase the premium for a personal insurance policy providing motor vehicle liability or collision insurance to a law enforcement officer or an emergency responder on the basis of one or more accidents involving a motor vehicle operated by the officer or emergency responder if:

A. The accident occurred while the officer or emergency responder was operating a motor vehicle in the course and scope of employment; and

B. There is a policy of insurance other than the personal policy providing motor vehicle liability or collision coverage for the accident or accidents.

3. Governmental entity. This section in no way restricts the premium an insurer may charge a governmental entity for an insurance policy providing motor vehicle liability or collision insurance covering law enforcement officers or emergency responders.

4. Penalty. An insurer who violates this section commits a civil violation pursuant to section 12-A.

See title page for effective date.

CHAPTER 494
S.P. 578 - L.D. 1679

**An Act To Conform Maine's
Prescription Drug Privacy
Laws with the United States
Constitution**

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

Sec. 1. 22 MRSA §1711-E, sub-§1-A, as enacted by PL 2007, c. 460, §1, is repealed.

Sec. 2. 22 MRSA §1711-E, sub-§1-B, as amended by PL 2011, c. 461, §1, is repealed.

Sec. 3. 22 MRSA §1711-E, sub-§2, as amended by PL 2007, c. 460, §1, is further amended to read:

2. Confidentiality of prescription drug information that identifies the individual. A carrier or prescription drug information intermediary may not license, use, sell, transfer or exchange for value, for any marketing purpose, prescription drug information that identifies directly or indirectly the individual who is prescribed the prescription drug.

Sec. 4. 22 MRSA §1711-E, sub-§2-A, as enacted by PL 2007, c. 460, §1, is repealed.

Sec. 5. 22 MRSA §1711-E, sub-§3, as amended by PL 2007, c. 460, §1, is further amended to read:

3. Enforcement. A violation of subsection 2 ~~or 2-A~~ is a violation of the Maine Unfair Trade Practices Act.

Sec. 6. 22 MRSA §1711-E, sub-§4, as enacted by PL 2007, c. 460, §1, is repealed.

Sec. 7. 22 MRSA §8704, sub-§4, as amended by PL 2007, c. 460, §2, is further amended to read:

4. Rulemaking. The board shall adopt rules necessary for the proper administration and enforcement of the requirements of this chapter ~~and to carry out the duties of the organization under section 1711-E, subsection 4 and section 8713~~. All rules must be adopted in accordance with Title 5, chapter 375 and unless otherwise provided are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 8. 22 MRSA §8704, sub-§7, as amended by PL 2007, c. 460, §3, is further amended to read:

7. Annual report. The board shall prepare and submit an annual report on the operation of the organization and the Maine Health Data Processing Center as authorized in Title 10, section 681, including any activity contracted for by the organization or contracted services provided by the center, with resulting net earnings, to the Governor and the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than February 1st of each year. The report must include an annual accounting of all revenue received and expenditures incurred in the previous year and all revenue and expenditures planned for the next year. The report must include a list of persons or entities that requested data from the organization in the preceding year with a brief summary of the stated purpose of the request.

~~As part of its annual report, the organization shall report on filings for confidentiality protection under section 1711 E, subsection 4, the disclosure of the names of prescribers who filed for confidentiality protection, funding through the assessment under section 1711 E, subsection 4, paragraph C and recommendations for legislation to improve operation of section 1711 E, subsection 4.~~

Sec. 9. 22 MRSA §8713, as enacted by PL 2007, c. 460, §4, is repealed.

See title page for effective date.

CHAPTER 495

S.P. 535 - L.D. 1625

An Act To Amend the Organization of the Quality Assurance Review Committee

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

Sec. 1. 22 MRSA §5107-I, first ¶, as enacted by PL 2001, c. 362, §1, is amended to read:

~~An agency that contracts to provide home care coordination for the~~ The department shall establish a quality assurance review committee, referred to in this section as the "committee," to review the provision of home care coordination services for long-term services and supports for elders and adults with disabilities. The committee membership must include consumers of home care services; representatives of consumers; consumer advocates, including the long-term care ombudsman program; health care and service providers; representatives from each area agency on aging; and staff of ~~the each~~ agency that ~~contracts to provide~~ provides home care coordination services. The joint standing committee of the Legislature having jurisdiction over health and human services matters may make

recommendations to the ~~contracting agency department~~ regarding committee membership.

Sec. 2. 22 MRSA §5107-I, sub-§4, as enacted by PL 2001, c. 362, §1, is amended to read:

4. Annual report. By January 1st each year, the committee shall report to ~~the department, the Long-term Care Implementation Committee established pursuant to Public Law 1999, chapter 731, Part BBBB, section 15 and~~ the joint standing committee of the Legislature having jurisdiction over health and human services matters concerning the committee's work during the year, any specific findings or recommendations regarding the duties imposed in subsection 2 and the actions taken to resolve problems.

See title page for effective date.

CHAPTER 496

H.P. 1217 - L.D. 1608

An Act To Clarify the Laws Governing Pharmacy Interns

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

Sec. 1. 32 MRSA §13702-A, sub-§24-A is enacted to read:

24-A. Pharmacy intern. "Pharmacy intern" means a person who:

A. Is either enrolled in or a graduate of a school or college of pharmacy; and

B. Is licensed with the board and is authorized to engage in the practice of pharmacy while under the direct supervision of a licensed pharmacist.

Sec. 2. 32 MRSA §13721, sub-§1, ¶G, as enacted by PL 1987, c. 710, §5, is amended to read:

G. The licensing of pharmacy interns and adoption of rules of governing the training, qualification and employment of pharmacy interns and pharmacy students; and

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation 0094

Initiative: Provides a one-time allocation in fiscal year 2012-13 for the licensing system modification costs associated with the licensing of pharmacy interns by the Maine Board of Pharmacy.