

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

**Sec. 8. 12 MRSA §6803, sub-§2, ¶¶A and B,** as enacted by PL 1989, c. 523, §2, are repealed.

**Sec. 9. 12 MRSA §6803, sub-§2, ¶C,** as amended by PL 2001, c. 421, Pt. B, §50 and affected by Pt. C, §1, is further amended to read:

C. ~~A person~~ An individual who harvests, possesses, ships or transports no more than 50 pounds of seaweed a day for noncommercial purposes;

**Sec. 10. 12 MRSA §6803, sub-§5,** as enacted by PL 2001, c. 421, Pt. B, §50 and affected by Pt. C, §1, is amended to read:

**5. Violation.** ~~A person~~ An individual who violates this section commits a civil violation for which a ~~forfeiture~~ fine of not less than \$100 nor more than \$500 may be adjudged.

**Sec. 11. 12 MRSA §6852, sub-§§1, 2 and 4,** as amended by PL 2011, c. 598, §44, are further amended to read:

**1. License required.** A person may not ~~engage in the activities authorized under this section~~ buy, sell, transport, ship or serve a marine organism in the retail trade other than an ornamental marine organism used for exhibition in a marine aquarium without a retail seafood license issued under this Part authorizing the activities. For purposes of this section, "marine organism" means an organism that may not be harvested in this State without a commercial harvesting license issued under this Part.

**2. License activity.** The holder of a retail seafood license may, in the retail trade, buy, sell, transport, ship or serve:

- A. ~~Shellstock~~ if Any marine organism, except that any shellstock must be bought from a wholesale seafood license holder certified under section 6856; and
- D. Crayfish; ~~or,~~
- E. ~~Lobsters.~~

A holder of a retail seafood license when buying directly from a harvester may buy only from a harvester who possesses the license or permit for that species as required under this Part. The harvester shall make the applicable marine resources license or permit available for inspection upon the retail seafood license holder's request.

**4. Fee.** The fee for a retail seafood license under subsection 1 is ~~\$122~~ \$100. The fee for an enhanced retail certificate under subsection 2-A is \$28 and must be deposited in the Shellfish Fund under section 6651.

**Sec. 12. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title 12,

section 6852, subsections 1, 2 and 4 takes effect April 1, 2014.

See title page for effective date, unless otherwise indicated.

**CHAPTER 283**

**H.P. 438 - L.D. 619**

**An Act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State**

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

**Sec. 1. 29-A MRSA §251, sub-§4** is enacted to read:

**4. Confidentiality of e-mail addresses.** If a person submits an e-mail address as part of the application process for a license or registration under this Title, the e-mail address is confidential and may not be disclosed to anyone outside the Department of the Secretary of State except for law enforcement officers or for purposes of court proceedings.

See title page for effective date.

**CHAPTER 284**

**S.P. 218 - L.D. 628**

**An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants**

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

**Sec. 1. 24-A MRSA §2902, sub-§6,** as enacted by PL 1999, c. 663, §2 and affected by §4, is repealed and the following enacted in its place:

**6. When 2 or more persons are legally entitled to recover damages from a particular owner or operator of an underinsured motor vehicle, the amount of underinsured vehicle coverage applicable to each injured person is determined as provided in this subsection.**

A. If the underinsured motor vehicle policy applicable to 2 or more persons who are legally entitled to recover damages contains both a per person and a per accident limit, the amount of underinsured vehicle coverage applicable to each injured person is determined by subtracting any payments actually made to that person from any bodily injury liability insurance coverage applica-

ble to the particular owner or operator of the underinsured motor vehicle from that person's, operator's or owner's underinsured vehicle coverage policy limits if applicable to that person.

B. If the underinsured motor vehicle policy applicable to 2 or more persons who are legally entitled to recover damages contains only a single per accident limit, the amount of underinsured vehicle coverage available to each injured person is determined by subtracting any payment received by that person from the owner or operator of the underinsured motor vehicle from that single per accident limit. In no event may the maximum amount payable by the insurer to all injured persons exceed the single per accident limit.

C. The amount of underinsured vehicle coverage determined under paragraph A or B must be further reduced by the amount by which the bodily injury liability insurance coverage applicable to the particular owner or operator of the underinsured motor vehicle exceeds all payments from that coverage to all persons legally entitled to recover damages from that particular owner or operator of the underinsured motor vehicle.

D. This subsection does not prohibit an insurer from providing greater amounts of underinsured vehicle coverage than are required under this section.

See title page for effective date.

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**CHAPTER 285**  
**S.P. 265 - L.D. 727**

**An Act Establishing Health  
Care Practitioner  
Transparency Requirements**

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

**Sec. 1. 24 MRSA §2988** is enacted to read:

**§2988. Identification of health care practitioners; advertising**

**1. Definitions.** For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advertisement" means a communication, whether printed, electronic or oral, that names a health care practitioner and the practice, profession or institution in which the practitioner is employed, volunteers or otherwise provides health care services. "Advertisement" includes business cards, letterhead, patient brochures, e-mail, Internet, audio and video communications and any

other communication used in the course of business.

B. "Deceptive or misleading advertising" includes, but is not limited to, use of an advertisement that misstates, falsely describes, falsely holds out or falsely details the health care practitioner's professional skills, training, expertise, education, board certification or licensure.

**2. Advertising.** A health care practitioner who advertises health care services shall disclose in an advertisement the applicable license under which the health care practitioner is authorized to provide services. The advertisement:

A. May not constitute deceptive or misleading advertising; and

B. Must include the health care practitioner's name, the type of license the practitioner holds and the common term for the practitioner's profession.

**3. Identification.** A health care practitioner shall comply with the following identification requirements. A health care practitioner who does not have direct patient care interactions is not subject to the provisions of this subsection.

A. A health care practitioner shall display a copy of the practitioner's license in a prominent place in an office area visible to current and prospective patients. If the health care practitioner sees patients in a setting outside of a licensed health care facility, the copy must be of sufficient size to be visible and apparent to patients, except that a copy no smaller than the original license is deemed to be sufficient.

B. A health care practitioner seeing patients on a face-to-face basis shall wear a name badge or some other form of identification that clearly discloses:

(1) The health care practitioner's name;

(2) The type of license, registration or certification the health care practitioner holds, including the common term for the health care practitioner's profession; and

(3) The health care practitioner's medical staff position, if applicable.

**4. Complaints; disciplinary action.** A person may file a complaint with the appropriate licensing board regarding a health care practitioner who fails to provide the consumer information required in this section. A health care practitioner who violates any provision of this section engages in unprofessional conduct and is subject to disciplinary action under the applicable licensing provisions of the health care practitioner.