

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.

Augusta, Maine
2013

(2) A substantial portion of the use of the tangible property of the entity was within any location of the State where the average annual unemployment rate for that year was higher than the state average unemployment rate; or

(3) A substantial portion of the services performed by the entity by its employees was performed in a municipality where the average annual unemployment rate for that year was higher than the state average unemployment rate.

Sec. C-38. 36 MRSA §5280, as amended by PL 1993, c. 395, §24 and affected by §32, is further amended to read:

§5280. Refund claim

Every claim for refund must be filed with the assessor in writing and state the specific grounds upon which it is founded. ~~The taxpayer may in writing along with the refund claim request an informal conference regarding the claim for refund, in which case the claim for refund is considered a request for reconsideration of an assessment under section 151 filed as of the date the refund claim is filed and is decided pursuant to section 151. If the taxpayer has not requested a conference and the assessor denies the refund claim in whole or in part, or the refund claim is deemed denied under section 5282, the taxpayer may request reconsideration of the denial or deemed denial of the refund claim pursuant to section 151.~~

Sec. C-39. 36 MRSA §5282, as repealed and replaced by PL 1993, c. 395, §25 and affected by §32, is amended to read:

§5282. Refund claim deemed denied

If the assessor fails to mail to the taxpayer, within 6 months after the filing of a refund claim ~~with respect to which no conference has been requested pursuant to section 5280~~, a decision on that refund claim, the taxpayer may elect but is not obligated, prior to receipt by the taxpayer of the assessor's decision on the refund claim, to deem the claim denied. The taxpayer deems the refund claim denied by requesting reconsideration of the deemed denial pursuant to section 151.

Sec. C-40. Application. That section of this Act that amends the Maine Revised Statutes, Title 36, section 4102, subsection 1 applies to estates of decedents dying on or after January 1, 2013. That section of this Act that repeals and replaces Title 36, section 5122, subsection 2, paragraph LL applies to tax years beginning on or after January 1, 2014. That section of this Act that repeals Title 36, section 5219-N applies to tax years beginning on or after January 1, 2013.

Sec. C-41. Retroactivity. Those sections of this Act that amend the Maine Revised Statutes, Title 36, section 111, subsection 1-C; Title 36, section 112, subsection 7-A; Title 36, section 144, subsection 1;

Title 36, section 151-A, subsection 2; Title 36, section 175, subsections 2 and 6; Title 36, section 2011; Title 36, section 2555; Title 36, section 4075-A, subsection 1; Title 36, section 4115, subsection 1; Title 36, section 4402, subsection 5; Title 36, section 5280; and Title 36, section 5282 apply retroactively to May 25, 2012. That section of this Act that amends Title 36, section 5203-C, subsection 4, paragraph A applies retroactively to tax years beginning on or after January 1, 2012. Those sections of this Act that repeal Title 36, section 5219-GG, subsection 1, paragraph G and amend Title 36, section 5219-HH, subsection 1, paragraph G apply retroactively to August 30, 2012.

See title page for effective date.

CHAPTER 332

S.P. 335 - L.D. 990

An Act To Require Public Disclosure of Health Care Prices

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

Sec. 1. 22 MRSA §1718-A is enacted to read:

§1718-A. Consumer information regarding health care practitioner prices

Each health care practitioner, as defined in section 1711-C, subsection 1, paragraph F, shall maintain a price list of the health care practitioner's most frequently provided health care services and procedures. The prices stated must be the prices that the health care practitioner charges clients directly, when there is no insurance coverage for the services or procedures or when reimbursement by an insurance company is denied. The prices stated must be accompanied by the applicable standard medical codes listed by diagnosis. For purposes of this section, "frequently provided health care services and procedures" means those health care services and procedures that were provided by the health care practitioner at least 50 times in the preceding calendar year. Health care practitioners shall inform clients about the availability of the price list and provide copies of the price list upon request. Health care practitioners shall make available written information on health claims data that may be obtained through the publicly accessible website of the Maine Health Data Organization established pursuant to chapter 1683. This section does not apply to pharmacists.

Sec. 2. 24 MRSA §2987, as enacted by PL 2003, c. 469, Pt. C, §30, is repealed.

Sec. 3. Effective date. This Act takes effect January 1, 2014.

Effective January 1, 2014.

CHAPTER 333

H.P. 714 - L.D. 1016

**An Act Regarding the Buying
and Selling of Animal Parts**

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

Sec. 1. 12 MRSA §10001, sub-§10-A is enacted to read:

10-A. Commercially. "Commercially" means with regard to the buying, selling, bartering or trading of wildlife parts, for the purpose of resale or profit or receiving any form of remuneration.

Sec. 2. 12 MRSA §10001, sub-§20-A is enacted to read:

20-A. Finished wildlife products. "Finished wildlife products" means tanned animal hides and finished taxidermy mounts, including full or partial body mounts or antlers mounted on a plaque.

Sec. 3. 12 MRSA §10001, sub-§42-C is enacted to read:

42-C. Naturally shed. "Naturally shed" means naturally dropped from the animal without any human manipulation.

Sec. 4. 12 MRSA §11217, sub-§2, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §151 and affected by §422, is repealed and the following enacted in its place:

2. Exception. This subsection provides for exceptions to the prohibitions against the purchase, sale, offer for sale or barter of wild animals and wild birds under this section.

A. A person who has lawfully killed or trapped and registered a bear may sell, without a hide dealer's license, only the hide, head, teeth, claws not attached to the paws and gall bladder of that animal.

B. A person who has lawfully killed and registered a deer may sell, without a hide dealer's license, only the hide, head, antlers and feet of that animal.

C. A person may sell the head, hide, feet and antlers of a domesticated deer and the meat of a domesticated deer for use as food only in accordance with Title 7, chapter 202.

D. A person who has lawfully killed and registered a moose may sell, without a hide dealer's license, only the hide, head, bones, antlers and feet of that animal.

E. A person may buy or sell, without a hide dealer's license, naturally shed antlers from deer or moose.

F. A person may buy or sell, without a taxidermy license or a hide dealer's license, legally obtained finished wildlife products, excluding federally protected wild animals and wild birds except in accordance with federal law.

G. A person may buy, without a hide dealer's license, for that person's personal use and not for resale, only the teeth, claws not attached to paws, skull or head and hide of a bear; only the bones, feet and hide of a moose; the skull or head of a deer or moose, excluding antlers; and all other parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3.

H. A person who possesses a valid hide dealer's license may lawfully buy, sell, barter and trade for profit the parts of wild animals under paragraphs A, B and D, lawfully obtained raw, untanned animal hides and any parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3.

Parts permitted to be bought or sold under this subsection may not be attached to any other parts of the wild animals or wild birds that are prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3. Bear gall bladders and raw, unfinished deer and moose antlers must be tagged or accompanied with documentation containing the name and address of the person who lawfully killed the animal.

As used in this subsection, "hide dealer's license" means a license issued pursuant to section 12954.

Sec. 5. 12 MRSA §12954, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. License required. Except as provided in subsection ~~6~~ 6-A and section 12955, a person may not engage in any activity for which a hide dealer's license may be issued under subsection 2 without a valid hide dealer's license.

Each day a person violates this subsection, that person commits a Class ~~E~~ D crime for which a minimum fine of ~~\$50~~ \$1,000 and an amount equal to twice the applicable license fee must be imposed.

Sec. 6. 12 MRSA §12954, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed and the following enacted in its place: