

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

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

Augusta, Maine
2013

istration plate or placard issued by another state. A person commits a traffic infraction if that person parks in an access aisle, regardless of whether the person has been issued a disability registration plate or removable placard. ~~Notwithstanding section 2604, a~~ A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500.

Sec. C-2. 29-A MRSA §521, sub-§9-B, ¶E, as enacted by PL 2005, c. 528, §2, is amended to read:

E. ~~Notwithstanding section 2604, a~~ A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500.

Sec. C-3. 29-A MRSA §1354, sub-§10 is enacted to read:

10. Surety bond. The Secretary of State shall require a driver education school licensed pursuant to subsection 2 to provide a surety bond to guarantee the discharge of the duties required under this subchapter.

Sec. C-4. 29-A MRSA §2604, as amended by PL 1995, c. 584, Pt. B, §11, is repealed.

Sec. C-5. 34-B MRSA §1411, sub-§4, as amended by PL 1995, c. 65, Pt. A, §136 and affected by §153 and Pt. C, §15, is further amended to read:

4. Prohibited acts; fine. A person who violates any rule adopted under this section commits a civil violation for which a ~~forfeiture~~ fine may be adjudged in an amount consistent with the amount charged for a similar violation by the municipality in which the institution is located, but not to exceed the maximum amount provided for a traffic infraction under Title 29-A, section ~~2604~~ 103. Notwithstanding any other law, the fines and costs of court paid under this section inure to the municipality in which the proceedings take place.

See title page for effective date.

CHAPTER 382

S.P. 354 - L.D. 1040

An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner

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

Sec. 1. 33 MRSA c. 43 is enacted to read:

CHAPTER 43

PLACEMENT OF EQUIPMENT ON PRIVATE PROPERTY

§2001. Placement of cameras and electronic surveillance equipment on private property

1. Prohibition. A person may not place a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner, unless the placement is pursuant to a warrant.

2. Labeling. A person who places a camera or electronic surveillance equipment described in subsection 1 on the private property of another with the written consent of the landowner or pursuant to a warrant shall label the camera or electronic surveillance equipment with that person's name and contact information.

3. Remove or disable. A landowner may remove or disable a camera or electronic surveillance equipment placed on the landowner's private property in violation of this section.

4. Exceptions. This section does not prohibit the following:

A. The use of a camera to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked; or

B. The use of implanted or attached electronic devices to identify, monitor and track animals.

5. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$500 may be adjudged.

See title page for effective date.

CHAPTER 383

H.P. 704 - L.D. 1006

An Act To Clarify Transparency of Medical Provider Profiling Programs Used by Insurance Companies and Other Providers of Health Insurance

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

Sec. 1. 5 MRSA §285, sub-§15 is enacted to read:

15. Provider profiling programs. Notwithstanding subsection 10, the requirements of Title 24-A, sections 2694-A and 4303-A apply to any provider profiling program, as defined in Title 24-A, sec-

tion 4301-A, subsection 16-A, developed by the commission.

Sec. 2. 24-A MRSA §2694-A, sub-§1, as enacted by PL 2009, c. 350, Pt. B, §1, is amended to read:

1. Performance measurement, reporting and tiering programs. An insurer delivering or issuing for delivery within the State any individual health insurance policy or group health insurance policy or certificate shall annually file with the superintendent on or before October 1, 2010 and annually by October 1st in subsequent years a full and true statement of its criteria, standards, practices, procedures and programs that measure ~~physician performance~~ or tier ~~physician health care provider performance with respect to quality, cost or cost-efficiency~~. The statement must be on a form prepared by the superintendent and may be supplemented by additional information required by the superintendent. The statement must be verified by the oath of the insurer's president or vice-president, and secretary or chief medical officer. A filing and supporting information are public records notwithstanding Title 1, section 402, subsection 3, paragraph B.

Sec. 3. 24-A MRSA §4301-A, sub-§16-A, as enacted by PL 2009, c. 439, Pt. B, §1, is amended to read:

16-A. Provider profiling program. "Provider profiling program" means a program that uses provider data in order to rate or rank provider quality, cost or efficiency of care by the use of a grade, star, tier, rating or any other form of designation that provides an enrollee with an incentive to use a designated provider based on quality, cost or efficiency of care.

Sec. 4. 24-A MRSA §4303, sub-§2, ¶E, as enacted by PL 2009, c. 439, Pt. B, §5, is repealed.

Sec. 5. 24-A MRSA §4303-A is enacted to read:

§4303-A. Provider profiling programs

1. Disclosure. At least 60 days prior to using or publicly disclosing the results of the provider profiling program, a carrier with a provider profiling program shall disclose to providers the methodologies, criteria, data and analysis used to evaluate provider quality, performance and cost, including but not limited to unit cost, price and cost-efficiency ratings. For the purposes of this subsection, the disclosure of data is satisfied by the provision by a carrier of a description of the data used in the evaluation, the source of the data, the time period subject to evaluation and, if applicable, the types of claims used in the evaluation including any adjustments to the data and exclusion from the data.

2. Provider profile. A carrier shall create and share with providers their provider profile at least 60

days prior to using or publicly disclosing the results of the provider profiling program.

3. Request for data. A provider may request a copy of its data within 30 days of the carrier's disclosure to a provider as required by subsection 2, and upon request from a provider, a carrier shall provide to that provider the data associated with the requesting provider and all adjustments to the data used to evaluate that provider as part of the carrier's provider profiling program. The bureau shall adopt rules to establish requirements for the disclosure of data by a carrier to a provider in accordance with this subsection. The bureau shall provide in the rules for a time and manner of disclosure consistent with a carrier's ability to adopt, revise and develop an effective provider profiling program.

4. Appeals. A carrier shall establish a process that affords a provider the opportunity to review and dispute its provider profiling result within 30 days of being provided with its provider profile pursuant to subsection 2. The appeal process must:

A. Afford the provider the opportunity to correct material errors, submit additional information for consideration and seek review of data and performance ratings;

B. Afford the provider the opportunity to review any information or evaluation prepared by a 3rd party and used by the carrier as part of its provider profiling program; however, if the 3rd party provides the right to review and correct that data, any appeal pursuant to this paragraph is limited to whether the carrier accurately portrayed the information and not to the underlying determination made by the 3rd party; and

C. Allow the provider to request reconsideration of its provider profiling result and submit supplemental information, including information demonstrating any computational or data errors.

5. Out-of-network providers. If a carrier has a provider profiling program that includes out-of-network providers, a carrier must meet the requirements of this section with regard to an out-of-network provider as well as for a provider in a carrier's network.

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

See title page for effective date.