

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

PART B

Sec. B-1. 24-A MRSA §405-A, sub-§1, as enacted by PL 2011, c. 90, Pt. C, §3, is amended to read:

1. Regional insurer or health maintenance organization defined. As used in this section, "regional insurer or health maintenance organization" means an insurer or health maintenance organization that holds a valid certificate of authority to transact individual health insurance in Connecticut, Massachusetts, New Hampshire ~~or~~ Rhode Island or Vermont.

Sec. B-2. 24-A MRSA §405-A, sub-§2, ¶B, as enacted by PL 2011, c. 90, Pt. C, §3, is amended to read:

B. A regional insurer or health maintenance organization shall meet the requirements of section 4302 for reporting plan information with respect to individual health plans offered for sale in this State and disclose to prospective enrollees how the health plans differ from individual health plans offered by domestic insurers in a format approved by the superintendent. Health plan policies and applications for coverage must contain the following disclosure statement or a substantially similar statement on the face page of the policy or application in a type size of at least 14 points and font that is easily readable by a person with average eyesight: "This policy is issued by a regional insurer or health maintenance organization and is governed by the laws and rules of (regional insurer's or health maintenance organization's state of domicile). This policy may not be subject to all the insurance laws and rules of the State of Maine, including coverage of certain health care services or benefits mandated by Maine law. Before purchasing this policy, you should carefully review the terms and conditions of coverage under this policy, including any exclusions or limitations of coverage."

Sec. B-3. 24-A MRSA §405-B, first ¶, as enacted by PL 2011, c. 90, Pt. C, §4, is amended to read:

Notwithstanding any other provision of this Title, a domestic insurer or licensed health maintenance organization authorized to transact individual health insurance in this State may offer for sale in this State an individual health plan duly authorized for sale in Connecticut, Massachusetts, New Hampshire ~~or~~ Rhode Island or Vermont by a parent or corporate affiliate of the domestic insurer or licensed health maintenance organization if the following requirements are met.

Sec. B-4. 24-A MRSA §405-B, sub-§3, as enacted by PL 2011, c. 90, Pt. C, §4, is amended to read:

3. Disclosure and reporting. The domestic insurer or licensed health maintenance organization shall meet the requirements of section 4302 for reporting plan information with respect to individual health plans offered for sale in this State and disclose to prospective enrollees how the individual health plans of the parent or corporate affiliate differ from individual health plans offered by other domestic insurers or licensed health maintenance organizations in a format approved by the superintendent. Health plan policies and applications for coverage must contain the following disclosure statement or a substantially similar statement on the face page of the policy or application in a type size of at least 14 points and font that is easily readable by a person with average eyesight: "This policy is issued by a domestic insurer or licensed health maintenance organization but is governed by the laws and rules of (state of domicile of parent or corporate affiliate of domestic insurer or licensed health maintenance organization), which is the state of domicile of the parent or corporate affiliate of the domestic insurer or licensed health maintenance organization. This policy may not be subject to all the insurance laws and rules of the State of Maine, including coverage of certain health care services or benefits mandated by Maine law. Before purchasing this policy, you should carefully review the terms and conditions of coverage under this policy, including any exclusions or limitations of coverage."

See title page for effective date.

CHAPTER 389

H.P. 899 - L.D. 1260

An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence

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

Sec. 1. 29-A MRSA §2411, sub-§5, ¶A, as amended by PL 2009, c. 447, §41, is further amended to read:

- A. For a person having no previous OUI offenses within a 10-year period:
 - (1) A fine of not less than \$500, except that if the person failed to submit to a test, a fine of not less than \$600;
 - (2) A court-ordered suspension of a driver's license for a period of ~~90~~ 150 days; and
 - (3) A period of incarceration as follows:

(a) Not less than 48 hours when the person:

- (i) Was tested as having an alcohol level of 0.15 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;
- (ii) Was exceeding the speed limit by 30 miles per hour or more;
- (iii) Eluded or attempted to elude an officer; or
- (iv) Was operating with a passenger under 21 years of age; and

(b) Not less than 96 hours when the person failed to submit to a test at the request of a law enforcement officer;

Sec. 2. 29-A MRSA §2486, sub-§1-A, as amended by PL 2011, c. 654, §15, is further amended to read:

1-A. Reinstatement fee for suspensions for OUI or failure to submit to a test. Except as provided in section 2472, subsection 7, before a suspension for OUI or failure to submit to a test is terminated and a license or certificate reinstated, a fee of \$50 must be paid to the Secretary of State. If a license is reinstated pursuant to section 2508, subsection 1, the reinstatement fee is \$100.

Sec. 3. 29-A MRSA §2508, sub-§1, as amended by PL 2011, c. 335, §13, is further amended to read:

1. Installation of ignition interlock device. Notwithstanding the periods of suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may reinstate the license of a person convicted of ~~more than one~~ a violation of section 2411, except for a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1-A), or whose license is suspended by the Secretary of State pursuant to section 2453 or 2453-A if the person satisfies all other conditions for license reinstatement and installs an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates, under the following conditions.

A. The license of a person with 2 OUI offenses may be reinstated after 9 months of the suspension period has run if the person has installed for a period of 2 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

A-1. The license of a person with one OUI offense may be reinstated after 30 days of the suspension period has run if the person has installed for a period of 150 days or the length of time remaining for a suspension imposed pursuant to section 2411, subsection 5, paragraph A, subpara-

graph (2), whichever is shorter, an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

B. The license of a person with 3 OUI offenses may be reinstated after 3 years of the suspension period has run if the person has installed for a period of 3 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

C. The license of a person with 4 or more OUI offenses may be reinstated after the expiration of the period of suspension if the person has installed for a period of 4 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. This paragraph applies only to 4th or subsequent offenses committed after August 31, 2008.

D. The license of a person convicted of a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1) or a person whose driver's license is suspended by the Secretary of State pursuant to section 2453 or 2453-A for a period specified by section 2411, subsection 5, paragraph D-1 may be reinstated after 3 years of the suspension period has run if the person has installed for a period of 3 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

A person whose license is reinstated pursuant to this subsection shall pay an administrative fee of \$50 to the Secretary of State, in addition to the fee required by section 2486, subsection 1-A.

Sec. 4. 29-A MRSA §2508, sub-§1-A is enacted to read:

1-A. Ignition interlock device; discount. A person certified by the Secretary of State to install ignition interlock devices shall provide for a reduction of costs, inclusive of the total fees and charges assessed to the individual having the ignition interlock device installed, of at least 50% if the individual demonstrates, using the individual's most recent federal income tax return, that the individual has an adjusted gross household income of not more than 150% of the poverty guidelines for the relevant tax year as established by the United States Department of Health and Human Services for that individual's family size.

Sec. 5. 29-A MRSA §2508, sub-§4, as enacted by PL 2007, c. 531, §6 and affected by §10, is amended to read:

4. Penalty. Notwithstanding section 1251, a violation of subsection 3 is a traffic infraction. The Secretary of State shall suspend the license of any person reinstated pursuant to section 2412-A, subsection 7 or this section who is adjudicated of the traffic infraction described in this section or whom the Secretary of

State determines has violated any condition or restriction of license reinstatement. The periods of license suspension are:

- A. For a person reinstated pursuant to section 2412-A, subsection 7, one year; and
- B. For a person reinstated pursuant to this section, one year if the person has one OUI offense, 2 years if the person has 2 OUI offenses, 4 years if the person has 3 OUI offenses or is reinstated pursuant to subsection 1, paragraph D and 6 years if the person has 4 or more OUI offenses.

A person whose license is suspended as a result of a conviction or adjudication pursuant to this subsection is not entitled to the issuance of any type of license until the suspension period has expired.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: Provides funding for one Office Associate II position and related costs to process additional requests for ignition interlock devices.

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$56,400	\$60,130
All Other	\$7,549	\$3,223
HIGHWAY FUND TOTAL	\$63,949	\$63,353

Sec. 7. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 29-A, section 2411, subsection 5, paragraph A and section 2508, subsection 1 take effect on December 1, 2013.

See title page for effective date, unless otherwise indicated.

**CHAPTER 390
S.P. 442 - L.D. 1280**

**An Act Authorizing the
Deorganization of the Town of
Bancroft**

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

PART A

Sec. A-1. 20-A MRSA §8451, sub-§2, ¶B, as repealed and replaced by PL 2011, c. 679, §17, is amended to read:

B. Region 2. SOUTHERN AROOSTOOK COUNTY. Units located in this region include:

- (1) ~~Bancroft;~~
- (2) Benedicta Township;
- (3) Orient;
- (4) Regional School Unit No. 29 doing business as School Administrative District No. 29 (Hammond, Houlton, Littleton and Monticello);
- (5) Regional School Unit No. 50 (Crystal, Dyer Brook, Hersey, Island Falls, Merrill, Moro Plantation, Mount Chase, Oakfield, Patten, Sherman, Smyrna and Stacyville);
- (6) Regional School Unit No. 70 doing business as School Administrative District No. 70 (Amity, Cary Plantation, Haynesville and Hodgdon) and Linneus, Ludlow and New Limerick; and
- (7) Regional School Unit No. 84 doing business as School Administrative District No. 14 (Danforth and Weston).

Sec. A-2. Effective date. This Part takes effect July 1, 2015 if the deorganization of the Town of Bancroft is approved pursuant to Part B, section 5.

PART B

Sec. B-1. Deorganization of Town of Bancroft. Notwithstanding any contrary requirement of the Maine Revised Statutes, Title 30-A, chapter 302, if in accordance with Title 30-A, section 7207 a majority of the voters in the Town of Bancroft approve the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the deorganization is approved by the voters of the Town of Bancroft pursuant to section 5 of this Part, the Town of Bancroft in Aroostook County is deorganized, except that the corporate existence, powers, duties and liabilities of the town survive for the purposes of prosecuting and defending all pending suits to which the town is, or may be, a party and all needful process arising out of any suits, including provisions for the payment of all or any judgments or debts that may be rendered against the town or exist in favor of any creditor.

Sec. B-2. Unexpended school funds. The treasurer of the town or any other person who has custody of the funds of the town shall pay the Treasurer of State all unexpended school funds that, together with the credits due the town for school purposes, are to be used by the State Tax Assessor to settle any school obligations contracted by the town before deor-