

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

**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**  
**2014**

which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered ~~proprietary information~~ confidential statistics for the purposes of section ~~6077, subsection 4 6173.~~

**Sec. 2. 12 MRSA §6072-A, sub-§17-A, ¶D,** as enacted by PL 2009, c. 240, §11, is amended to read:

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the commissioner shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered ~~proprietary information~~ confidential statistics for the purposes of section ~~6077, subsection 4 6173.~~

**Sec. 3. 12 MRSA §6173-B** is enacted to read:

**§6173-B. Special licenses; mandatory quality control program; shellfish sanitation and depuration certificates; confidentiality of proprietary information**

Except as provided in subsections 1 and 2, information obtained by the department under this section is a public record as provided by Title 1, chapter 13, subchapter 1.

**1. Confidential information.** Information submitted to the department pursuant to provisions regarding special licenses for research, aquaculture or education under section 6074, surveillance and inspection of all segments of the State's fishing industries under section 6102 or the shellfish sanitation certificate and the depuration certificate under section 6856 may be designated by the submitter as proprietary information and as being only for the confidential use of the department, its agents and employees, other agencies of State Government, as authorized by the Governor, and the Attorney General. The designation must be clearly indicated on each page or other unit of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the submitter and the general nature of the information. Upon a request for information the scope of which includes information so designated, the commissioner shall notify the submitter. Within 15 days after receipt of the notice, the submitter shall demonstrate to the satisfaction of the department that the designated information should not be disclosed because the information is proprietary information. Unless such a demonstration is made, the information must be disclosed and be-

comes a public record. The department may grant or deny disclosure for all or any part of the designated information requested and within 15 days shall give written notice of the decision to the submitter and the person requesting the designated information. A person aggrieved by a decision of the department under this subsection may appeal to the Superior Court.

**2. Release information.** The commissioner may not release information designated under subsection 1 prior to the expiration of the time allowed for the filing of an appeal or to the rendering of the decision on any appeal.

**3. Definition.** For purposes of this section, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

See title page for effective date.

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**CHAPTER 513**

**S.P. 660 - L.D. 1665**

**An Act To Clarify the Confidentiality of Wood Processor Report Information**

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

**Sec. 1. 12 MRSA §8884, sub-§1-A,** as amended by PL 1991, c. 528, Pt. G, §10 and affected by Pt. RRR; and amended by c. 591, Pt. G, §10; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §23, is repealed.

**Sec. 2. 12 MRSA §8884, sub-§3,** as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is repealed and the following enacted in its place:

**3. Confidentiality.** Information collected by the bureau under this section is public except for:

- A. Volumes of forest products;
- B. Species of forest products;
- C. Types of forest products;
- D. County of origin of forest products; and
- E. Personally identifying information of forest product suppliers to roundwood processing operations and importers and exporters of forest products.

Summary reports that use aggregate data that do not reveal the activities of an individual person or firm are public records.

See title page for effective date.

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**CHAPTER 514**  
**S.P. 253 - L.D. 704**

**An Act To Improve the  
Availability of Mail-in Rebates  
in the State**

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

**Sec. 1. 28-A MRSA §708, sub-§6**, as amended by PL 2009, c. 145, §1, is further amended to read:

**6. Marketing and mail-in promotions.** Upon approval by the commission, promotional materials, ~~including mail-in rebates~~, designed to encourage a consumer to purchase a spirits product to be attached to or displayed near the spirits product where it is offered for sale for off-premises consumption may be offered by those whose spirits products are listed by the commission. Upon approval by the commission, a mail-in rebate may be provided to consumers through print or electronic media, attached to the spirits product or displayed near the spirits product where the spirits product is offered for sale for off-premises consumption. Mail-in rebates approved by the commission must be redeemed by the manufacturer and not by the retail licensee and may not exceed the purchase price of the spirits product. Mail-in rebates authorized by this subsection must require the inclusion of the original dated sales receipt for the spirits product to which the rebate is applied. Mail-in rebates, certificates or merchandise included with a spirits product must be inserted in the package or attached to the package by the manufacturer.

**Sec. 2. 28-A MRSA §708, first ¶**, as amended by PL 2009, c. 145, §1, is further amended to read:

This section does not prohibit a certificate of approval holder from including a ~~mail-in offer~~, a certificate, instant redeemable coupon or merchandise in or on a package of beer, wine or low-alcohol spirits for sale by an off-premise retailer. The package containing the ~~mail-in offer~~, certificate, instant redeemable coupon or merchandise must be packaged by the certificate of approval holders at the brewery or winery. Upon approval of the bureau, a certificate of approval holder may offer a mail-in rebate for a malt liquor, wine or low-alcohol spirits product for consumers through print or electronic media, attached to the package of malt liquor, wine or low-alcohol spirits product or displayed near where the malt liquor, wine or low-alcohol spirits product is offered for sale for off-premises consumption. Mail-in rebates authorized by this paragraph must require the inclusion of the

original dated sales receipt for the product to which the rebate is applied. Mail-in rebates must be redeemed by the certificate of approval holder and may not exceed the purchase price of the malt liquor, wine or low-alcohol spirits product to which the rebate is applied.

**Sec. 3. Effective date.** This Act takes effect January 1, 2015.

Effective January 1, 2015.

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**CHAPTER 515**  
**S.P. 633 - L.D. 1642**

**An Act To Clarify the Law  
Governing 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**, as enacted by PL 2013, c. 332, §1 and affected by §3, is repealed.

**Sec. 2. 22 MRSA §1718-B** is enacted to read:

**§1718-B. Consumer information regarding health care entity prices**

This section applies to the disclosure of health care prices by a health care entity.

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

**A.** "Frequently provided health care services and procedures" means those health care services and procedures that were provided by the health care entity at least 50 times in the preceding calendar year.

**B.** "Health care entity" means a health care practitioner, as defined in section 1711-C, subsection 1, paragraph F; a group of health care practitioners; or a health care facility, as defined in section 1711-C, subsection 1, paragraph D, that charges patients for health care services and procedures. A health care entity does not include a pharmacy or a pharmacist.

**2. Requirements.** The following requirements apply to health care entities.

**A.** A health care entity shall have available to patients the prices of the health care entity's most frequently provided health care services and procedures. The prices stated must be the prices that the health care entity charges patients directly when there is no insurance coverage for the services or procedures or when reimbursement by an insurance company is denied. The prices stated