

# 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**

**4. Report.** By January 15, 2015, the Executive Director of the Maine Public Employees Retirement System shall submit to the joint standing committee of the Legislature having jurisdiction over public employee retirement matters a report on the task force's recommendations to, and any resulting actions taken by, the Board of Trustees of the Maine Public Employees Retirement System.

See title page for effective date.

**CHAPTER 603**

**H.P. 1172 - L.D. 1600**

**An Act To Require Health Insurers To Provide Coverage for Human Leukocyte Antigen Testing To Establish Bone Marrow Donor Transplantation Suitability**

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

**Sec. 1.** 24-A MRSA §4320-I is enacted to read:

**§4320-I. Coverage for the cost of testing for bone marrow donation suitability**

**1. Required coverage.** A carrier offering a health plan in this State shall provide coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability in accordance with the following requirements:

A. The enrollee covered under the health plan must meet the criteria for testing established by the National Marrow Donor Program, or its successor organization;

B. The testing must be performed in a facility that is accredited by a national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists and is certified under the federal Clinical Laboratories Improvement Act of 1967, 42 United States Code, Section 263a;

C. At the time of the testing, the enrollee covered under the health plan must complete and sign an informed consent form that authorizes the results of the test to be used for participation in the National Marrow Donor Program, or its successor organization, and acknowledges a willingness to be a bone marrow donor if a suitable match is found; and

D. The carrier may limit each enrollee to one test per lifetime.

**2. Prohibition on cost-sharing.** A carrier may not impose any deductible, copayment, coinsurance or other cost-sharing requirement on an enrollee for the coverage required under this section.

**Sec. 2. Application.** The requirements of this Act apply to all policies, contracts and certificates subject to this Act that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2015. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 604**

**H.P. 1237 - L.D. 1729**

**An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence**

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

**Sec. 1.** 29-A MRSA §2402, first ¶, as amended by PL 1995, c. 368, Pt. AAA, §6, is further amended to read:

For purposes of this chapter, a prior conviction or action has occurred within the 10-year period if the date of the action or the date of the docket entry of conviction the sentence is imposed is 10 years or less from the date of the new conduct.

**Sec. 2.** 29-A MRSA §2411, sub-§1-A, ¶D, as amended by PL 2011, c. 159, §1, is further amended to read:

D. Violates paragraph A, B or C and:

(1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person;

(1-A) In fact causes the death of another person; or

(2) Has either a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. For purposes of this subparagraph, the 10-year limitation specified in section 2402 and Title 17-A, subsection 9-A, subsection 3 does not apply to the prior criminal homicide conviction or to a

prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B. The convictions may have occurred at any time.

**Sec. 3. 29-A MRSA §2412-A, sub-§5**, as enacted by PL 1995, c. 368, Pt. AAA, §12, is amended to read:

**5. Prior convictions.** For purposes of this section, a prior conviction or suspension has occurred within a 10-year period if the date of the suspension or the ~~docket entry of a judgment of conviction by the clerk~~ imposition of sentence is 10 years or less from the date of the new conduct that is penalized or for which the new penalty may be enhanced.

**Sec. 4. 29-A MRSA §2451, sub-§3**, as amended by PL 2009, c. 54, §§1 to 3 and affected by c. 415, Pt. C, §§2 and 3, is further amended to read:

**3. Suspension period.** Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

- A. ~~Ninety One hundred and fifty days~~, if the person has one OUI conviction within a 10-year period;
- B. Three years, if the person has 2 OUI offenses within a 10-year period; ~~or~~
- C. Six years, if the person has 3 ~~or more~~ OUI offenses within a 10-year period; ~~or~~
- E. Eight years, if the person has 4 or more OUI offenses within a 10-year period.

For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or a ~~docket entry of judgment of conviction~~ imposition of sentence.

See title page for effective date.

**CHAPTER 605  
H.P. 734 - L.D. 1043**

**An Act To Improve the  
Regional Economic  
Development Revolving Loan  
Program**

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

**Sec. 1. 10 MRSA §1026-M, sub-§2**, as amended by PL 1999, c. 401, Pt. OOO, §1, is further amended to read:

**2. Eligible corporations.** The fund is open to local, regional and statewide nonprofit or governmental economic development corporations or entities; that are capable of providing financial assistance to businesses in order to create and protect jobs, as well as revitalize downtowns and build strong communities and a sustainable economy, referred to in this section as "corporations." In the case of loans to quality child care projects, the authority may also provide loans directly to eligible borrowers. To be eligible for assistance from the fund:

A. A corporation must apply to the authority to participate in the fund. The application must describe the corporation and its funding sources, the region or regions it serves, its methods and criteria for qualifying borrowers, including any targeted lending and economic development strategies, its expertise in management assistance and financing of small and emerging businesses, the method by which it will leverage funds from other sources in an amount at least equal to 2 times the amount requested from the fund and other information the authority determines necessary;

B. A corporation must have a strategy for the creation and retention of jobs, an effective small business marketing and technical assistance plan and enough expert assistance available to it to underwrite, document and service loans and assist its clients or it must have a strategy for real estate development including commercial and mixed-use real estate and community facilities;

C. The corporation must be determined by the authority to be able to prudently and effectively administer a direct loan fund and to coordinate with other business assistance programs and employment training and social assistance programs;

D. The corporation must propose performance measurements and goals and a process for monitoring compliance with proposed measurements and goals. The authority shall assist corporations in developing loan or equity-like debt underwriting and administrative capacity and in portfolio monitoring and servicing and may establish one or more advisory boards or committees to assist corporations; and

E. A child care project must apply to the authority or to a corporation and meet the eligibility criteria for a borrower.

**Sec. 2. 10 MRSA §1026-M, sub-§3, ¶¶A and C**, as enacted by PL 1993, c. 722, Pt. C, §1 and affected by §2, are amended to read:

A. The size of the region or regions served by the corporation and the expected demand for loan funds in that region or those regions;