

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**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**  
**2015**

**Sec. 30. Contingent effective date.** This Act does not take effect until the Executive Director of the Maine Educational Loan Authority certifies in writing to the Chief Executive Officer of the Finance Authority of Maine that any consents required under documents of the Maine Educational Loan Authority in connection with outstanding bonds of the Maine Educational Loan Authority, if any, have been received. Copies of this certification must be submitted by the Chief Executive Officer of the Finance Authority of Maine to the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes. In no event may this Act take effect until 90 days after the adjournment of the First Regular Session of the 127th Legislature.

See title page for effective date, unless otherwise indicated.

**CHAPTER 171  
S.P. 310 - L.D. 865**

**An Act To Protect Vision Care  
Patients and Providers**

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

**Sec. 1. 24-A MRSA §4314, sub-§1, ¶¶C to I** are enacted to read:

C. "Contractual discount" means a percentage or other reduction from a provider's usual and customary rate for a covered service or covered material required under a participating provider agreement.

D. "Covered material" means a material for which benefits are provided under a health plan that provides coverage for vision care or eye care services or a limited benefit vision insurance plan.

E. "Covered service" means a service for which benefits are provided under a health plan that provides coverage for vision care or eye care services or a limited benefit vision insurance plan.

F. "Limited benefit vision insurance plan" means a plan offered or administered by a carrier that covers only vision care or any other plan offered or administered by a carrier that includes vision care benefits and is not a health plan.

G. "Materials" means ophthalmic devices, including, but not limited to, lenses, devices containing lenses, artificial intraocular lenses, ophthalmic frames and other lens mounting apparatuses, prisms, lens treatments and coating, contact lenses and prosthetic devices to correct, relieve or treat defects or abnormal conditions of the human eye or its adnexa.

H. "Services" means the professional work performed by an eye care provider.

I. "Vision insurance" means a health plan that provides coverage for vision care or eye care services or a limited benefit vision insurance plan.

**Sec. 2. 24-A MRSA §4314, sub-§3**, as enacted by PL 2001, c. 408, §1 and affected by §2, is amended to read:

**3. Prohibitions.** A carrier or a subsidiary or subcontractor of a carrier may not:

A. Impose a deductible or coinsurance for eye care services that is greater than the deductible or coinsurance imposed for other health care services under a health plan; ~~or~~

B. Require an eye care provider to hold hospital privileges as a condition of participation as a provider under a health plan;

C. Require in an agreement with an eye care provider that the eye care provider provide services or materials to an enrollee in a health plan that provides coverage for vision care or eye care services or a limited benefit vision insurance plan at a specified or limited fee unless the services or materials are a covered service or a covered material under the health plan or limited benefit vision insurance plan;

D. Restrict or limit, directly or indirectly, in an agreement with an eye care provider, the eye care provider's choice of sources and suppliers of services or materials provided by the eye care provider to an enrollee or the optical laboratories used by the eye care provider;

E. Change any term, contractual discount or reimbursement rate contained in an agreement with an eye care provider without notice to the eye care provider at least 60 days before the change is implemented;

F. Require in an agreement with an eye care provider that the eye care provider participate in other vision insurance as a condition of joining an insurer's provider network for a health plan that provides coverage for vision care or eye care services or a limited benefit vision insurance plan; or

G. Enter into an agreement with an eye care provider that is longer than 2 years from the date the agreement is first signed.

**Sec. 3. 24-A MRSA §4314, sub-§6** is enacted to read:

**6. Enforcement.** A violation of this section by a carrier or a subsidiary or subcontractor of a carrier is enforced by the superintendent under the authority granted by section 12-A.

**Sec. 4. Application.** The requirements of this Act apply to contracts between an eye care provider and a carrier, as defined in the Maine Revised Statutes, Title 24-A, section 4301-A, subsection 3, or a subsidiary or subcontractor of a carrier executed or renewed on or after January 1, 2016.

See title page for effective date.

**CHAPTER 172  
S.P. 438 - L.D. 1233**

**An Act To Improve  
Enforcement of Maine's  
Marine Resources Laws**

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

**Sec. 1. 12 MRSA §6022, sub-§20** is enacted to read:

**20. Sale of general merchandise.** The commissioner may engage in the selling and marketing of general merchandise products when the express purpose is to accommodate public demand and generate supplemental funds for the Bureau of Marine Patrol.

A. The commissioner may create dedicated accounts for depositing money received from the sale of general merchandise products pursuant to this subsection.

B. Funds received by the commissioner from the sale of general merchandise products pursuant to this subsection must be deposited in a dedicated account to be used only to market, promote and increase public awareness of the Bureau of Marine Patrol and to recruit marine patrol officers.

**Sec. 2. 12 MRSA §6210, sub-§2,** as amended by PL 2013, c. 485, §1, is further amended to read:

**2. Initiation and notice.** If the Chief of the Bureau of Marine Patrol delivers to the commissioner a written statement under oath that the chief has probable cause to suspect that a violation of section 6575-K or section 6864, subsection 7-A has been committed, the commissioner shall immediately examine the statement and determine whether to conduct an adjudicatory proceeding for the purpose of imposing an administrative penalty under this section. If the commissioner determines that the imposition of a penalty is necessary, the commissioner shall immediately notify the person who is alleged to have violated the law in accordance with Title 5, section 9052. The notice must state that the person may request a hearing in writing within 10 days of the notice. The notice is deemed received 3 days after the mailing.

**Sec. 3. 12 MRSA §6210, sub-§7** is enacted to read:

**7. Renewal of licenses.** If a holder of a license issued under section 6302-A, 6505-A or 6864 fails to make payment of a pecuniary gain penalty assessed under this section, the commissioner may refuse to renew that holder's license until the holder complies with the payment requirements.

**Sec. 4. 12 MRSA §6374, sub-§1,** as enacted by PL 2011, c. 311, §4, is amended to read:

**1. Initiation and notice.** If the Chief of the Bureau of Marine Patrol delivers to the commissioner a written statement under oath that the chief has probable cause to suspect that a violation of marine resources law has been committed, the commissioner shall immediately examine the affidavit and determine if a suspension is necessary. If the commissioner determines based on a preponderance of the evidence that a suspension is necessary, the commissioner shall immediately notify in writing the person who violated the law. The notice must state that there is an opportunity for a hearing, if the person requests the hearing in writing within 10 days of the notice. The notice is deemed received 3 days after the mailing.

**Sec. 5. 12 MRSA §6374, sub-§2,** as amended by PL 2011, c. 598, §20, is further amended to read:

**2. Hearing.** A hearing requested under subsection 1 must be held within 30 business days after receipt by the commissioner of a request for hearing except that a hearing may be held more than 30 business days after the request if the delay is requested by the person requesting the hearing. If the hearing is continued, it must be held no later than 60 days after the original notice, and any further continuance must be with the consent of both parties. The hearing must be held in accordance with the Maine Administrative Procedure Act, except that:

A. Notwithstanding Title 5, section 9057, issues of the hearing are limited to whether the person requesting the hearing had a license and whether that person committed a violation of marine resources law; and

B. Notwithstanding Title 5, section 9061, the decision of the presiding officer under Title 5, section 9062 must be made not more than 10 business days after completion of the hearing.

**Sec. 6. 12 MRSA §6404,** as amended by PL 2007, c. 201, §3, is further amended to read:

**§6404. Revocation based on conviction of scrubbing lobsters**

The commissioner shall ~~suspend~~ revoke the lobster and crab fishing license, wholesale seafood license and the commercial fishing license of any license holder or the nonresident lobster and crab landing permit of a permit holder convicted in court of violating section 6438-A. ~~The suspension must be for one year from the date of conviction.~~