

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

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

Augusta, Maine
2017

6. Limitations. The panel coordinator may not proceed with ~~reviews of medical records or~~ voluntary interviews without the permission of the family. The panel coordinator may not photocopy or retain copies of medical records or review cases of abortion. In performing work under this section, the panel coordinator shall minimize the burden imposed on health care practitioners, hospitals and facilities.

7. Confidentiality. All records created or maintained pursuant to this section, other than reports provided under subsection 5, paragraph B, are protected as provided in this subsection. The records are confidential under section 42, subsection 5. The records are not open to public inspection, are not public records for the purposes of Title 1, chapter 13, subchapter 1 and are not subject to subpoena or civil process nor admissible in evidence in connection with any judicial, executive, legislative or other proceeding.

8. Immunity. A health care practitioner, hospital or health care facility or the employee or agent of that person or entity is not subject to civil or criminal liability arising from the disclosure or furnishing of records or information to the panel pursuant to this section.

9. Funding. The department may accept any public or private funds to carry out the purposes of this section.

10. Rulemaking. The department shall adopt rules to implement this section, including rules on collecting information and data, selecting members of the panel, collecting and using individually identifiable health information and conducting reviews under this section. The rules must ensure that access to individually identifiable health information is restricted as much as possible while enabling the panel to accomplish its work. The rules must establish a protocol to preserve confidentiality, specify the manner in which the family will be contacted for permission and maintain public confidence in the protection of individually identifiable information. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §1711-C, sub-§6, ¶S, as amended by PL 2015, c. 370, §4, is further amended to read:

S. To a member of the public who asks a health care facility about an individual by name, of the room number of the individual and brief confirmation of general health status unless expressly prohibited by the individual or a person acting pursuant to subsection 3-B; ~~and~~

Sec. 3. 22 MRSA §1711-C, sub-§6, ¶T, as enacted by PL 2015, c. 370, §5, is amended to read:

T. To a lay caregiver designated by an individual pursuant to section 1711-G; ~~and~~

Sec. 4. 22 MRSA §1711-C, sub-§6, ¶U is enacted to read:

U. To a panel coordinator of the maternal, fetal and infant mortality review panel pursuant to section 261, subsection 4, paragraph B-1 for the purposes of reviewing health care information of a deceased person and a mother of a child who died within one year of birth, including fetal deaths after 28 weeks of gestation. For purposes of this paragraph, "panel coordinator" has the same meaning as in section 261, subsection 1, paragraph E and "deceased person" has the same meaning as in section 261, subsection 1, paragraph B.

See title page for effective date.

CHAPTER 204

S.P. 518 - L.D. 1489

An Act To Authorize the Revocation, Suspension or Denial of a Guide License under Specified Circumstances

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

Sec. 1. 12 MRSA §10908, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Conditions for revocation, suspension, denial. The commissioner may suspend or revoke a guide license pursuant to this subchapter and Title 5, section 10004. The commissioner may revoke, suspend, refuse to issue or refuse to renew a guide license or the District Court may revoke or suspend a guide license:

A. If the guide fails to meet the standards of competency established pursuant to section 12851;

B. If the guide fails to meet the qualifications for a guide license, including, but not limited to, failure to pass a reexamination conducted pursuant to section 12855, subsection 4; ~~or~~

C. If the guide is found to be incompetent, negligent or neglectful in the conduct of guiding activities, including, but not limited to, entering into a contractual agreement with a client to provide services and then failing, without just cause, to provide the services as agreed; ~~or~~

D. If the guide or an applicant for a guide license has been convicted of committing a crime in the State or any other jurisdiction that is punishable by imprisonment for a term of one year or more or

has been found not criminally responsible by reason of insanity of committing a crime in the State or any other jurisdiction that is punishable by imprisonment for a term of one year or more.

(1) A person whose license is revoked, suspended or denied under this paragraph may request a hearing before the commissioner. Following the hearing, the commissioner may issue a guide license or reinstate a guide license that has been revoked, suspended or denied if the commissioner determines that the applicant has been sufficiently rehabilitated from the conviction to warrant the public trust or the nature of the conviction or the circumstances surrounding it do not warrant disqualification from licensure. The request for a hearing under this paragraph must be made within 30 days of receipt of the revocation, suspension or denial of the guide license.

(2) An applicant for a guide license or the holder of a guide license must notify the department of a conviction or a finding of not criminally responsible that is grounds under this paragraph for the revocation, suspension or denial of a guide license within 30 days of the conviction or finding. Failure to notify the department is grounds for a permanent denial or revocation of a guide license.

Sec. 2. 12 MRSA §12853, sub-§4-A is enacted to read:

4-A. Background check. The commissioner shall request a background check for each person who applies for a guide license under this section. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation.

A. The criminal history record information must be obtained and used as follows.

(1) The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

(2) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

(3) An applicant who is the subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. An

applicant who is the subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

(4) State and federal criminal history record information may be used by the department for the purpose of screening each applicant.

B. The Commissioner of Public Safety shall assess a fee set annually by the commissioner for each initial criminal history record check and a fee set annually by the commissioner for each renewal criminal history record check required by this section.

C. An applicant shall submit to having fingerprints taken. The State Police, upon payment of the fee required under paragraph B by the applicant, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the Department of Public Safety, State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

D. Information obtained pursuant to this subsection is confidential. The results of background checks received by the department are for official use only and may not be disclosed to any other person or entity.

E. A person whose guide license has expired and who has not applied for renewal may request in writing that the Department of Public Safety, State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal to the requester. The Commissioner of Public Safety may, without notice to a person, remove fingerprints from the fingerprint file maintained by the bureau if the person has not held a guide license for 7 years or more.

Sec. 3. 25 MRSA §1542-A, sub-§1, ¶¶K and L, as enacted by PL 2015, c. 300, Pt. B, §3, are amended to read:

K. Who has applied for employment with the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy and whose fingerprints have been required by the Associate Commissioner for Tax Policy pursuant to Title 36, section 194-B; or

L. Who is assigned to provide services to the Department of Administrative and Financial Services, Bureau of Revenue Services pursuant to a contract or subcontract for services to the bureau and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-C; ~~or~~

Sec. 4. 25 MRSA §1542-A, sub-§1, ¶M is enacted to read:

M. Who has applied for a guide license under Title 12, section 12853.

Sec. 5. 25 MRSA §1542-A, sub-§3, ¶L is enacted to read:

L. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph M at the request of that person and upon payment of the expenses by that person as required by Title 12, section 12853, subsection 4-A, paragraph B.

See title page for effective date.

CHAPTER 205

H.P. 1087 - L.D. 1580

An Act To Clarify and Enhance Maine's Wildlife Laws

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

Sec. 1. 7 MRSA §1809, sub-§1, as amended by PL 2007, c. 128, §1, is further amended to read:

1. Permit required. The commissioner may require a person who imports animals or avian hatching eggs into the State to obtain a permit before the time of entry. When a permit is required, the permit or permit number must accompany the shipment. The commissioner may refuse to grant a permit or may issue one subject to quarantine at destination if the animals or avian hatching eggs do not meet importation requirements or do not comply with the inland fisheries and wildlife laws and rules adopted by the Commissioner of Inland Fisheries and Wildlife under Title 12, chapter 915, subchapter 15 or Title 12, section 12102 ~~or 12704~~. The commissioner may require the owner to have those animals or avian hatching eggs tested or examined by a veterinarian at the owner's expense. The commissioner may release those animals or avian hatching eggs from quarantine only after the commissioner is satisfied that they are not a disease threat to other animals or humans.

When an animal or avian hatching egg is brought into the State without a required permit, the commissioner or the Commissioner of Inland Fisheries and Wildlife

may condemn the animal and order it euthanized without indemnity or condemn the avian hatching egg and order it destroyed without indemnity. For purposes of this section, "avian hatching egg" means an egg of a bird species that is fertile and handled, transported and stored in a manner that maintains its viability. "Avian hatching egg" does not include fertile eggs marketed for human consumption.

Sec. 2. 12 MRSA §10053, sub-§9, as amended by PL 2009, c. 340, §4, is further amended to read:

9. Rules. The development of rules governing the effective management of the inland fisheries and wildlife resources of the State; ~~and~~

Sec. 3. 12 MRSA §10053, sub-§10, as enacted by PL 2009, c. 340, §5, is amended to read:

10. Land acquisition. The acquisition and development of land for the protection, preservation and enhancement of inland fisheries and wildlife resources; ~~and~~

Sec. 4. 12 MRSA §10053, sub-§11 is enacted to read:

11. Resource planning. The coordination with other resource management staff to develop both short-term and long-term plans for the preservation, protection, enhancement and use of inland fisheries and wildlife resources. The bureau shall undertake activities as directed by the commissioner.

Sec. 5. 12 MRSA §10055, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7 and c. 614, §9, is repealed.

Sec. 6. 12 MRSA §11109-A, sub-§4, ¶F, as enacted by PL 2007, c. 163, §1 and affected by §3, is amended to read:

F. A license under chapter 927; ~~or~~

Sec. 7. 12 MRSA §11109-A, sub-§4, ¶G, as enacted by PL 2007, c. 163, §1 and affected by §3, is repealed.

Sec. 8. 12 MRSA §11152, sub-§1-A, as amended by PL 2011, c. 253, §18, is further amended to read:

1-A. Antlerless deer in wildlife management districts with no permits issued. Except as otherwise provided in this Part, a person may not hunt or possess an antlerless deer in a wildlife management district or a portion of a wildlife management district that does not have permits issued. A person may possess in one of those districts an antlerless deer that has been lawfully registered in another district where permits have been issued.

A person that violates this subsection commits a Class D crime for which a minimum fine of \$1,000 must be imposed, and the court shall impose a sentencing al-