

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

business of selling or offering for sale hearing aids without a license to do so. The board shall issue a license upon payment by the business entity of an application and license fee under section 1658-P set by the director and upon filing of a sworn statement from a person with authority from the business entity. That sworn statement must list the names and addresses of all hearing aid dealers and fitters directly or indirectly employed by the entity and must certify that the entity employs only hearing aid dealers and fitters who are duly licensed by the State. At least one of the licensees employed by the business entity must have been licensed for a minimum of 2 years and have at least 3,000 hours of work experience as a hearing aid dispenser or be certified by the National Board for Certification in Hearing Instrument Sciences, except that if the business entity is an audiologist licensed by the Board of Examiners on Speech-language Pathology and Audiology, the business entity need not hire such an employee.

The license required by this chapter must be conspicuously posted in the licensee's office or place of business.

Sec. 2. 32 MRSA §1658-I, sub-§1, ¶D, as amended by PL 1997, c. 156, §3, is further amended to read:

D. Has obtained a trainee permit pursuant to section 1658-J and has received a minimum of 750 hours of training in the practice of fitting and dealing in hearing aids under the direct supervision of a licensee during a period of not fewer than 6 nor more than 12 months. Audiologists licensed by the Board of Examiners on Speech-language Pathology and Audiology are exempt from the requirements of this paragraph.

Sec. 3. 32 MRSA §1658-I, sub-§2, as amended by PL 1997, c. 156, §4, is further amended to read:

2. Examination. The applicant for license by examination shall appear at a time, place and before such persons as the board may designate, to be examined by means of written, practical and oral tests in order to demonstrate that the applicant is qualified to practice the fitting and sale of hearing aids. The board may appoint a consultant to assist in preparing the examination itself as well as conducting and supervising the testing. The examination administered as directed by the board constituting standards for licensing may not be conducted in such a manner that college training be required in order to pass the examination. Nothing in this examination may imply that the applicant possesses the degree of medical competence normally expected by physicians. Audiologists licensed by the Board of Examiners on

Speech-language Pathology and Audiology are exempt from the requirements of this subsection.

See title page for effective date.

CHAPTER 610

S.P. 624 - L.D. 1692

An Act To Enhance Pine Tree Development Zones

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

Sec. 1. 30-A MRSA §5248, as enacted by PL 2003, c. 451, Pt. NNN, §2, is amended to read:

§5248. Procedure

1. Notice and hearing. Before designating a Pine Tree Development Zone or adopting a development plan, the ~~legislative body~~ municipal officers of each applicant unit of local government or the ~~legislative body's~~ municipal officers' designee must hold at least one public hearing. Notice of the hearing must be published at least 10 days before the hearing in a newspaper of general circulation ~~within the unit of serving the area of the State in which the local government is located.~~

2. Vote of unit of local government legislative body. Each applicant unit of local government must designate that portion of the Pine Tree Development Zone contained within its boundaries and take all actions required to satisfy the requirements of section 5247, subsection 2 by majority vote of its municipal officers or legislative body.

3. Effective date. The establishment of a Pine Tree Development Zone is effective upon designation by the commissioner.

4. Administration of zone. The participating units of local government may ~~create an contract or otherwise arrange with a public or private organization, designate an existing department or agency or enter into a contractual arrangement with a private entity including a regional council as described in section 2302, to administer activities authorized under this subchapter. The organization may act as the lead entity for the purpose of applying for and administering the Pine Tree Development Zone.~~

5. Amendments. ~~A participating unit of local government may amend the designation of that portion of~~ The designation, size, location, number and configuration of the parcels in a Pine Tree Development Zone contained within its boundaries or an adopted or the terms of a development plan only after

~~meeting the requirements of this section for designation of a Pine Tree Development Zone or adoption of a development plan and with the concurrence of~~ may be amended by an affirmative vote of all other the participating units of local government as evidenced by a majority vote of the municipal officers or legislative body of each unit of local government. A participating unit of local government may not amend the designation of a Pine Tree Development Zone if the amendment would An amendment may not result in the zone's being out of compliance with any of the requirements in section 5247.

Sec. 2. 35-A MRSA §3210-B is enacted to read:

§3210-B. Electric utility and conservation benefits

1. Discount rates. Transmission and distribution utilities may offer discounted rates to qualified Pine Tree Development Zone businesses established under Title 30-A. If a transmission and distribution utility requires approval prior to offering any such rate, the transmission and distribution utility shall apply to the commission in accordance with applicable provisions of this Title, and the commission may approve the rate if it finds it to be in accord with applicable requirements of this Title, except that the commission may take into account the overall benefits to ratepayers resulting from state efforts to promote economic development within Pine Tree Development Zones.

2. Line extensions. When approving or authorizing line extension terms and conditions for qualified Pine Tree Development Zone businesses established under Title 30-A, the commission may take into account the overall benefits to ratepayers resulting from state efforts to promote economic development within Pine Tree Development Zones established pursuant to Title 30-A.

3. Conservation programs. In designing and implementing conservation programs pursuant to section 3211-A, the commission may make available to qualified Pine Tree Development Zone businesses established under Title 30-A special programs of enhanced value to aid state efforts to promote economic development within Pine Tree Development Zones. A program made available pursuant to this subsection must be cost-effective as defined by the commission by rule or order pursuant to section 3211-A.

4. Electricity sales. Notwithstanding section 3210, the sale of electricity by a competitive electricity provider to a qualified Pine Tree Development Zone business established under Title 30-A is exempt from the requirements of that section and, at the request of the competitive electricity provider, sales to qualified

Pine Tree Development Zone businesses must be excluded from any calculation by the commission to determine compliance with that section.

5. Repeal. This section is repealed December 31, 2009.

See title page for effective date.

CHAPTER 611

H.P. 1269 - L.D. 1747

An Act To Amend the Medicaid Drug Rebate Program and the Elderly Low-cost Drug Program

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

Sec. 1. 22 MRSA §254, sub-§4-A, as amended by PL 2003, c. 20, Pt. GGG, §3, is repealed and the following enacted in its place:

4-A. Payment for drugs provided. The commissioner may establish the amount of payment to be made by the program and by recipients of the program toward the cost of drugs and medications furnished under the program, including covered prescription and nonprescription drugs, medications and medical supplies, under the following terms.

A. For the basic component of the program, the total cost to a recipient for the purchase of any covered drug or medication may not exceed the sum of \$2 plus 20% of the price allowed for that drug or medication under program rules.

B. For the supplemental component of the program, the total cost to a recipient for the purchase of any covered drug or medication may not exceed:

(1) For a brand name drug or medication, the cost of the program for that drug or medication minus the \$2 paid by the program; and

(2) For a generic drug or medication, the sum of \$2 plus 20% of the price allowed for that drug or medication under program rules.

C. For the catastrophic program, the commissioner shall establish annual limits on the costs incurred by recipients for drugs and medications covered under the program on or prior to May 31, 2001. After the limit is reached, the program shall pay 80% of the cost of each drug and medication covered by the supplemental component