

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

B. An advanced therapeutic licensee may petition the glaucoma consultation subcommittee to reduce or waive the number of consultations required. A reduction or waiver may be granted by a majority vote of the subcommittee. If the subcommittee is evenly divided on the question of a specific waiver or reduction, then the request for waiver or reduction must be referred to the board. The board shall hold a hearing on the request for waiver or reduction and shall render a decision. The subcommittee or the board, in evaluating a request for a waiver or reduction in the number of cases, shall consider, among other things:

- (1) Optometric college education and course work;
- (2) Any residency or practical experience;
- (3) Certifications in other states;
- (4) Any partial completion of the consultation regimen under paragraph A;
- (5) Ongoing education; and
- (6) Any other factors considered relevant by the subcommittee or board.

C. An optometrist who has been licensed and practiced under the laws of another state and has been authorized to independently treat glaucoma in that state may petition the glaucoma consultation subcommittee for a waiver of the consultation requirement. If the optometrist graduated from optometric college in 1996 or thereafter, the waiver must be granted. The subcommittee shall evaluate the education, licensure and experience of an optometrist who graduated prior to 1996 and, if they are equivalent to that of an advanced therapeutic licensee in this State authorized under this section to treat glaucoma independently, shall waive the consultation requirements of this section.

See title page for effective date.

**CHAPTER 196  
H.P. 437 - L.D. 623**

**An Act To Provide the Office  
of Chief Medical Examiner  
Access to Controlled  
Substances Prescription  
Monitoring Program Data for  
the Purpose of Conducting  
Cause of Death Investigations**

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

**Sec. 1. 22 MRSA §7250, sub-§4, ¶D,** as enacted by PL 2003, c. 483, §1, is amended to read:

D. A patient to whom a prescription is written, insofar as the information relates to that patient; ~~and~~

**Sec. 2. 22 MRSA §7250, sub-§4, ¶E,** as enacted by PL 2003, c. 483, §1, is amended to read:

E. Office personnel or personnel of any vendor or contractor, as necessary for establishing and maintaining the program's electronic system; ~~and~~

**Sec. 3. 22 MRSA §7250, sub-§4, ¶F** is enacted to read:

F. The Office of Chief Medical Examiner for the purpose of conducting an investigation or inquiry into the cause, manner and circumstances of death in a medical examiner case as described in section 3025. Prescription monitoring information in the possession or under the control of the Office of Chief Medical Examiner is confidential and, notwithstanding section 3022, may not be disseminated. Information that is not prescription monitoring information and is separately acquired following access to prescription monitoring information pursuant to this paragraph remains subject to protection or dissemination in accordance with section 3022.

See title page for effective date.

**CHAPTER 197  
H.P. 769 - L.D. 1114**

**An Act To Facilitate the  
Marketing of Power Produced  
by Small Generators**

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

**Sec. 1. 35-A MRSA §3201, sub-§7-A** is enacted to read:

**7-A. Efficient combined heat and power system.** "Efficient combined heat and power system" means a system that:

A. Produces heat and electricity from one fuel input, without restriction to specific fuel or generating technology;

B. Has an electric generating capacity rating of at least one kilowatt and not more than 30 kilowatts and a fuel system efficiency of not less than 80% in the production of heat and electricity, or has an electric generating capacity of at least 31 kilowatts and a fuel system efficiency of not less than 65% in the production of heat and electricity;

C. May work in combination with supplemental or parallel conventional heating systems;

D. Is manufactured, installed and operated in accordance with applicable government and industry standards; and

E. Is connected to the electric grid and operated in conjunction with the facilities of a transmission and distribution utility.

Sec. 2. 35-A MRSA §3201, sub-§8-A is enacted to read:

**8-A. Eligible small generator.** "Eligible small generator" means a generator that has a generating capacity of 5 megawatts or less and generates electricity using:

A. A renewable resource, as defined in section 3210, subsection 2, paragraph C; or

B. An efficient combined heat and power system.

Sec. 3. 35-A MRSA §3210-A, sub-§2, as enacted by PL 2003, c. 555, §1, is amended to read:

**2. Transmission and distribution utility administration.** Transmission and distribution utilities shall administer the purchase and sale of electricity to a standard-offer service provider required under this section subsection 1. Administrative costs incurred by a transmission and distribution utility under this subsection must be paid, in a manner established by the commission, by the generators of the electricity the purchase and sale of which the utility administers.

Sec. 4. 35-A MRSA §3210-A, sub-§2-A is enacted to read:

**2-A. Purchase by competitive electricity providers.** In addition to its obligations under subsection 2, a transmission and distribution utility may administer on behalf of any eligible small generator the purchase and sale of electricity to a competitive electricity provider. In carrying out this function, a transmission and distribution utility may in its discretion aggregate the output of multiple eligible small generators for the purpose of obtaining the most favorable purchase price on behalf of the generators. The parties to any resulting sale must be the eligible small generators and the competitive electricity provider.

If a transmission and distribution utility aggregates the output of eligible small generators under this subsection and is unable to sell the aggregated output to a competitive electricity provider, the transmission and distribution utility shall administer the purchase and sale of the aggregated output to a standard-offer service provider in accordance with the provisions of subsections 1 and 2.

Sec. 5. 35-A MRSA §3210-A, sub-§3, as enacted by PL 2003, c. 555, §1, is amended to read:

**3. Rules.** The commission shall adopt rules to implement ~~this section~~ the provisions of subsections 1 and 2, including, but not limited to, rules identifying how the commission assigns purchasing obligations to particular standard-offer service providers and the timing and manner of such obligations. The commission may adopt rules and may amend any rules necessary to implement the requirements of subsection 2-A, including rules to allow a transmission and distribution utility to collect an administrative fee from participating eligible small generators to cover reasonable costs incurred by the transmission and distribution utility under subsection 2-A. Rules adopted pursuant to this section subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 198  
S.P. 96 - L.D. 300**

**An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements**

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

Sec. 1. 19-A MRSA §2154, sub-§4-A, as enacted by PL 2003, c. 224, §1, is repealed.

Sec. 2. 19-A MRSA §2154, sub-§4-B is enacted to read:

**4-B. Independent contractors.** An employer who reports under subsection 1 shall also report the contracting for services in this State with an independent contractor when reimbursement for such services is anticipated to equal or exceed \$2,500.

A. An employer required to report under this subsection may report by mailing a copy of the employer's federal Internal Revenue Service 1099-MISC form, transmitting a facsimile of the 1099-MISC form, sending magnetic tape in a compatible format or by other means, as mutually agreed to by the employer and the department, that will result in timely reporting.

B. The employer shall report the information in this paragraph within 7 days of the earlier of first making payments that in the aggregate equal or exceed \$2,500 in any year to an independent contractor and entering into a contract or contracts with an independent contractor providing for payments that in the aggregate equal or exceed \$2,500 in any year:

(1) The independent contractor's name, address and social security number;