

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Business, Research and Economic Development*

July 2003

Members:

Sen. Lynn Bromley, Chair

Sen. Christopher G. L. Hall

Sen. Kevin L. Shorey

Rep. Nancy B. Sullivan, Chair

Rep. Lillian LaFontaine O'Brien

Rep. Guy J. Duprey, Jr.

Rep. Edward Pellon

Rep. Nancy E. Smith

Rep. Susan M. Austin

Rep. Robert A. Berube

Rep. Lawrence E. Jacobsen

Rep. Christopher Rector

Rep. William T. Rogers, Jr.

Staff:

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Business, Research and Economic Development

LD 1559

An Act To Amend the Laws Concerning State Board of Alcohol and Drug Counselors

PUBLIC 347

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN MARTIN	OTP	

LD 1559 proposed to reorganize the alcohol and drug counselor registration currently issued by the State Board of Alcohol and Drug Counselors by recognizing practitioners who provide public services at varying levels within agencies licensed by the Office of Substance Abuse in the Department of Behavioral and Developmental Services. This bill proposed to provide an alternative pathway to certification and licensure for persons without degree-level education by recognizing work experience in the field of alcohol and drug counseling as one of the criteria for certification and licensing. The bill also proposed to require an alcohol and drug counseling aide and a certified alcohol and drug counselor to be supervised by a board-certified clinical supervisor. The bill proposed to eliminate outdated practices and language as it pertains to examinations and reciprocity, to clarify requirements for continuing education and inactive licenses issued by the board and to make minor technical changes throughout the alcohol and drug practice laws.

Enacted Law Summary

Public Law 2003, chapter 347 reorganizes the alcohol and drug counselor registration currently issued by the State Board of Alcohol and Drug Counselors by recognizing practitioners who provide public services at varying levels within agencies licensed by the Office of Substance Abuse in the Department of Behavioral and Developmental Services. This law provides an alternative pathway to certification and licensure for persons without degree-level education by recognizing work experience in the field of alcohol and drug counseling as one of the criteria for certification and licensing. The law also requires an alcohol and drug counseling aide and a certified alcohol and drug counselor to be supervised by a board-certified clinical supervisor. The law eliminates outdated practices and language as it pertains to examinations and reciprocity. Finally, the law clarifies requirements for continuing education and inactive licenses issued by the board and makes minor technical changes throughout the alcohol and drug practice laws.

LD 1560

Resolve, Regarding Legislative Review of Chapter 1: Community Industrial Building Program, a Major Substantive Rule of the Maine Rural Development Authority

**RESOLVE 47
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

LD 1560 proposed to authorize final adoption of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority, which concerns the application process for loans for construction of speculative buildings through the program. The rule is based on the prior rule governing the community industrial building program, originally promulgated by the State Development Office. It also proposed to provide for legislative review of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority.

Joint Standing Committee on Business, Research and Economic Development

Enacted Law Summary

Resolve 2003, chapter 47 authorizes final adoption of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority, which concerns the application process for loans for construction of speculative buildings through the program. The rule is based on the prior rule governing the community industrial building program, originally promulgated by the State Development Office.

Resolve 2003, chapter 47 was passed as an emergency measure effective May 23, 2003.

LD 1578

**An Act To Make Filling Out-of-State Prescriptions for Schedule II
Drugs More Convenient**

**PUBLIC 326
EMERGENCY**

Sponsor(s)
BRUNO

Committee Report
OTP-AM

Amendments Adopted
H-359

LD 1578 proposed to address the difficulty that a Maine resident may encounter if being treated by a practitioner from a state that does not use security prescription blanks. The bill proposed to provide for a prescription written on a prescription blank that does not comply with the requirements of Department of Public Safety rules to be filled if valid photographic identification is produced and the pharmacist confirms the validity of the prescription by telephone. The bill also proposed to allow for a partial dispensing of a 72-hour supply of the drug in case the oral confirmation is delayed due to nights, weekends or holidays.

Committee Amendment "A" (H-359) proposed to change the bill's requirement concerning the presentation of photographic identification. The amendment proposed to require that a person presenting an out-of-state prescription for a Schedule II drug or receiving that filled prescription present photographic identification unless the person is the patient for whom the prescription is written, is personally known to the pharmacist and has previously presented photographic identification that has been noted by the pharmacist. The bill proposed to require that a person presenting an out-of-state prescription for a Schedule II drug present photographic identification without exception, but did not require identification when the filled prescription was received. The amendment also proposed to require the pharmacist to make a record of oral confirmation of the validity of the prescription from the out-of-state practitioner or the practitioner's agent.

Enacted Law Summary

Public Law 2003, chapter 326 addresses the difficulty that a Maine resident may encounter if being treated by a practitioner from a state that does not use security prescription blanks. The law provides for an out-of-state prescription for a Schedule II drug, written on a prescription blank that does not comply with the requirements of Department of Public Safety rules, to be filled if the person presenting the prescription or receiving that filled prescription presents photographic identification. The law allows the prescription to be filled without presentation of identification if the person receiving it is the patient for whom the prescription is written, is personally known to the pharmacist and has previously presented photographic identification that has been noted by the pharmacist. The law also requires the pharmacist to make a record of oral confirmation of the validity of the prescription from the out-of-state practitioner or the practitioner's agent. Additionally, the law allows a 72-hour supply of the drug to be dispensed in case the oral confirmation is delayed due to nights, weekends or holidays.

Public Law 2003, chapter 326 was enacted as an emergency measure effective May 27, 2003.