

MAINE STATE LEGISLATURE

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M
R.O.S.

L.D. 2140

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DATE: 4/1/02

(Filing No. H-1046)

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NATURAL RESOURCES

10 Reproduced and distributed under the direction of the Clerk of
12 the House.

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to H.P. 1637, L.D. 2140, "Resolve,
Regarding Legislative Review of Chapter 296: Patient Brochure
and Poster on Dental Amalgam and Alternatives, a Major
Substantive Rule of the Department of Human Services"

24 Amend the resolve by striking out all of section 1 and
26 inserting in its place the following:

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'Sec. 1. Adoption. Resolved: That final adoption of Chapter
296: Patient Brochure and Poster on Dental Amalgam and
Alternatives, a provisionally adopted major substantive rule of
the Department of Human Services, that has been submitted to the
Legislature for review pursuant to the Maine Revised Statutes,
Title 5, chapter 375, subchapter II-A is authorized only with the
following changes.

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1. The poster may not include the words "Ask for a copy of
this brochure" but must include the words "Your Dentist is
required to give you a copy of this brochure in accordance with
State Law (32 MRSA, section 1094-C)".

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2. The 2nd paragraph in the section of the rule titled
"About this Booklet" may not include the words "Many years of
using mercury in batteries" but must include the words "Many
years of burning coal along with using mercury in products like
batteries".

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3. The first paragraph in the section of the rule titled
"Amalgam Fillings and Mercury" may not include the words
"grinding your teeth, drinking hot liquids, and tooth brushing"

COMMITTEE AMENDMENT

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2 but must include the words "grinding your teeth, and drinking hot
liquids" and may not include the words "does not enter our
4 bodies" but must include the words "does not enter our
bloodstream".

6 4. The 2nd paragraph of the rule in the section titled
"Health Concerns" may not include the words "To be careful,
8 Canada and several countries in Europe have put limits on the use
of mercury amalgam. They warn that women should not have amalgam
10 fillings placed in or removed from their teeth if they are
pregnant" but must include the words "To be careful, Canada and
12 several countries in Europe recommend limits on the use of
mercury amalgam. They advise that pregnant women should not have
14 amalgam fillings placed or removed from their teeth."

16 5. The 2nd paragraph in that section of the rule titled
"Environmental Concerns" must include the words "Wildlife that
18 eat fish, such as eagles, loons, and otters, are also at risk of
harm from mercury pollution."

20 The Bureau of Health is not required to hold hearings or
22 conduct other formal proceedings on this rule prior to finally
adopting this rule in accordance with this resolve; and be it
24 further

26 **Sec. 2. Certain nonsubstantive changes authorized. Resolved:** That
changes made by the Director of the Bureau of Health to the
28 poster and the brochure authorized in this resolve for the sole
purpose of inserting or changing graphics or for improving the
30 readability and comprehensibility of the brochure are not
considered amendments to a major substantive rule and are not
32 subject to further legislative review under the Maine Revised
Statutes, Title 5, chapter 375, subchapter II-A; and be it further
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36 **Sec. 3. Production and distribution of materials; transfers from
Maine Rainy Day Fund. Resolved:** That the Board of Dental
38 Examiners, established in the Maine Revised Statutes, Title 5,
section 12004-A, subsection 10, shall, under the direction of the
Director of the Bureau of Health, print and distribute the
40 brochure and poster authorized by this resolve. No later than 30
days after the effective date of this resolve, the State
42 Controller shall transfer \$50,000 from the Maine Rainy Day Fund
to the Board of Dental Examiners to fund the initial printing and
44 distribution of the brochure and poster. The Board of Dental
Examiners shall charge a fee for the brochures and poster that is
46 sufficient to recover the costs of printing and distributing
those materials and shall use the revenue from those fees to
48 reimburse the Maine Rainy Day Fund for all costs associated with
this transfer not later than June 30, 2004; and be it further

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COMMITTEE AMENDMENT "A" to H.P. 1637, L.D. 2140

2 **Sec. 4. Appropriations and allocations. Resolved:** That the
following appropriations and allocations are made.

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**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF**

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8 **Dental Examiners, Board of**

10 Initiative: Allocates funds transferred from the Maine Rainy
Day Fund to fund the initial printing and distribution of the
12 brochure and poster on dental amalgam and alternatives.

14 Other Special Revenue Funds	2001-02	2002-03
All Other	\$50,000	\$0'

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18 Further amend the resolve by inserting at the end before the
summary the following:

20 **FISCAL NOTE**

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2001-02

24 **APPROPRIATIONS/ALLOCATIONS**

26 Other Funds		\$50,000
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28 **REVENUES**

30 Other Funds		\$50,000
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32 This resolve authorizes the State Controller to transfer
\$50,000 from the Maine Rainy Day Fund to the Board of Dental
34 Examiners within the Department of Professional and Financial
Regulation within 30 days of the effective date of this measure
36 to fund the initial printing and distribution costs of a brochure
and poster on dental amalgam and alternatives.

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40 Transferring \$50,000 from the Maine Rainy Day Fund in fiscal
year 2001-02 reduces the uncommitted balance available in the
fund by \$50,000 and therefore reduces the amount available to
42 transfer to the tax conformity reserve established in Public Law
2001, chapter 559, Part GG. As a result, the State Tax Assessor
44 may need to adjust the conformity factor and therefore affect tax
collections beginning in fiscal year 2002-03. The actual impact
46 of this additional transfer from the Maine Rainy Day Fund will
depend on the amount of excess revenue and lapsed balances
48 available at the end of fiscal year 2001-02.

50 The resolve requires the Board of Dental Examiners to charge
a fee to dentists for the brochures and poster sufficient to

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2 recover the printing and distribution costs and to reimburse the
Maine Rainy Day Fund no later than June 30, 2004.

4 The resolve includes an Other Special Revenue funds
6 allocation of \$50,000 in fiscal year 2001-02 for the Board of
Dental Examiners to print and distribute a brochure and poster on
dental amalgam and alternatives.

8
10 The Bureau of Health in the Department of Human Services
will incur some minor additional costs to assist the Board of
12 Dental Examiners in developing the information for the brochure
and poster. These costs can be absorbed within the department's
existing resources.'

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SUMMARY

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This amendment authorizes the adoption of a major
substantive rule proposed by the Bureau of Health regarding a
brochure and poster on dental amalgam and alternatives, provided
that certain changes are made to the poster and the rule.

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24 The changes to the poster clarify that the law requires
dentists to provide the brochure to their patients. The changes
to the rule clarify the text of the brochure to incorporate
26 recommendations made by the Bureau of Health.

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The amendment also clarifies that the Board of Dental
Examiners is to print and distribute the brochure and poster and
30 directs the State Treasurer to transfer \$50,000 from the Maine
Rainy Day Fund to the board to fund the initial printing and
32 distribution of the brochure and poster. The Board of Dental
Examiners is required, using fees charged for the poster and
34 brochure, to repay the Maine Rainy Day Fund for all costs
associated with the transfer within 2 years.

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38 The amendment also allows the Director of the Bureau of
Health to make changes to the poster or brochure for the purpose
of inserting or changing graphics or for improving readability
40 and comprehensibility without requiring that those changes be
reviewed by the Legislature as revisions to a major substantive
42 rule.

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The amendment also adds an appropriation and allocation
section and a fiscal note the resolve.

COMMITTEE AMENDMENT