

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 1. 38 MRSA §1304, sub-§16 is enacted to read:

16. Wood yard debris. The provisions of this chapter do not apply to soil containing incidental bark or woody material generated during the transport, handling or storage of logs prior to processing. For the purposes of this section, "processing" is defined to include the debarking, chipping and sawing of wood.

See title page for effective date.

CHAPTER 644

H.P. 1435 - L.D. 2047

An Act to Clarify the Extension of the Municipal Landfill Closure Deadline and to Extend the Rule-making Deadline for Labeling of Recycled and Reused Products

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, municipalities are experiencing financial stress associated with closing and remediating existing landfills and in developing alternative solid waste disposal arrangements; and

Whereas, municipalities need additional time to plan for and implement landfill closure programs and to establish substitute solid waste disposal arrangements; and

Whereas, there are insufficient state resources available to reimburse municipalities for the costs of landfill closure and remediation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §1310-N, sub-§6, as amended by PL 1991, c. 622, Pt. X, §14, is further amended to read:

6. Terms and compliance schedules. Licenses are issued under the terms and conditions as the department may prescribe, and for a term not to exceed 5 years. The department may establish reasonable time schedules for compliance with this article and rules adopted by the board. Notwithstanding any rules adopted pursuant to

this section, licensed or unlicensed ~~but operating pursuant to a consent agreement~~ municipal solid waste landfills ~~in existence prior to October 3, 1973 operating on December 31, 1991~~ may continue to operate ~~up to until~~ December 31, 1992, unless the commissioner finds that continued operation of a landfill poses an immediate hazard to the public health or the environment, including without limitation, a threat to a public or private water supply.

Sec. 2. 38 MRSA §2141, first ¶, as enacted by PL 1991, c. 463, is amended to read:

By February 1, ~~1992~~ 1993, the agency shall adopt rules establishing a waste reduction and recycling labeling program. The rules must include recycling emblems, standards for the use of the recycling emblems and standards for the use of the terms "reusable," "recyclable," "recycled" and "recycled content." To the fullest extent possible, emblems and standards adopted by the agency under this section must be consistent with emblems and standards adopted by the Northeast Recycling Council of the Council of State Governments and standards adopted by other northeastern states.

Sec. 3. 38 MRSA §2141, as enacted by PL 1991, c. 463, is amended by adding after the first paragraph a new paragraph to read:

By January 1, 1993, the agency shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters on rule-making activities undertaken pursuant to this section.

Sec. 4. 38 MRSA §2141, sub-§1, as enacted by PL 1991, c. 463, is amended to read:

1. Applicability. After July 1, ~~1992~~ 1993, a person may not use the recycling emblem or the terms "reusable," "recyclable," "recycled" and "recycled content" on a package or product that is sold or offered for sale, or in the promotion or advertisement of a package or product, unless that package or product conforms to the standards in the labeling program adopted by the agency under this section.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 4, 1992.

CHAPTER 645

H.P. 1521 - L.D. 2146

An Act to Institute Conformity to the Low-cost Drug Program

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

22 MRSA §254, sub-§4, as repealed and replaced by PL 1983, c. 66, is amended to read:

4. **Method of prescribing or ordering drugs.** The method of prescribing or ordering these drugs, which may include, but not be limited to, the use of standard or larger prescription refill sizes so as to minimize operational costs and to maximize economy. Unless the prescribing physician indicates otherwise, the use of generic or chemically equivalent drugs ~~shall be~~ is required, provided that these drugs are of the same quality and have the same mode of delivery as is provided to the general public, consistent with good pharmaceutical practice;

See title page for effective date.

CHAPTER 646

H.P. 1448 - L.D. 2060

An Act to Establish Ambient Air Quality Standards for Toluene and Perchloroethylene

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

38 MRSA §584-A, sub-§§9 and 10 are enacted to read:

9. **Perchloroethylene.** The maximum annual concentration of perchloroethylene at any location may not exceed 0.01 micrograms per cubic meter.

10. **Toluene.** The ambient air quality standards for toluene are as follows.

A. The maximum concentration of toluene at any location may not exceed 15,000 micrograms per cubic meter.

B. The maximum concentration of toluene for any 24-hour period at any location may not exceed 260 micrograms per cubic meter.

C. The maximum annual concentration of toluene at any location may not exceed 180 micrograms per cubic meter.

See title page for effective date.

CHAPTER 647

H.P. 683 - L.D. 982

An Act to Provide Equitable Insurance Reimbursement for Acupuncture Services Provided by Licensed Acupuncturists

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

Sec. 1. 24 MRSA §2320-B is enacted to read:

§2320-B. Acupuncture services

All individual and group nonprofit medical services plan contracts and all nonprofit health care plan contracts providing coverage for acupuncture must provide coverage for those services when performed by an acupuncturist licensed pursuant to Title 32, chapter 113-A, under the same conditions that apply to the services of a licensed physician.

Sec. 2. 24-A MRSA §2745-B is enacted to read:

§2745-B. Acupuncture services

All individual insurance policies providing coverage for acupuncture must provide coverage for those services when performed by an acupuncturist licensed pursuant to Title 32, chapter 113-A, under the same conditions that apply to the services of a licensed physician.

Sec. 3. 24-A MRSA §2837-B is enacted to read:

§2837-B. Acupuncture services

All group insurance policies providing coverage for acupuncture must provide coverage for those services when performed by an acupuncturist licensed pursuant to Title 32, chapter 113-A, under the same conditions that apply to the services of a licensed physician.

See title page for effective date.

CHAPTER 648

H.P. 1217 - L.D. 1775

An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks

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