

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

using a 3rd party to redirect referrals that are prohibited under subsection 1 if the 3rd party was not involved in the referral.

6. Alternate facilities. If compliance with the community need and alternative financing criteria is not practical, the health care practitioner shall identify to the patient reasonably available alternative facilities. The bureau, by rule, shall designate when compliance is not practical.

7. Bureau opinion. Health care practitioners may request that the bureau render an advisory opinion as to whether a referral to an existing or proposed facility under specified circumstances violates the provision of this chapter. The bureau's opinion is presumptively correct as to whether the provisions of this chapter are violated.

8. Health organizations. Notwithstanding any provision of this chapter, a health care practitioner may refer a patient who is a member of a health maintenance organization or a preferred provider organization licensed in this State for health services to a facility outside that health care practitioner's office or group practice in which that health care practitioner is an investor when the referral is made pursuant to a contract with the organization.

§2086. Penalties

A facility or a health care practitioner that makes or causes to be made a referral prohibited under section 2085 or presents or causes to be presented a bill or claim for service that the facility or health care practitioner knows or should know is prohibited by section 2085 is subject to a civil penalty of no more than \$2,000 for each referral, bill or claim.

A violation of this chapter by a health care practitioner or a facility constitutes grounds for disciplinary action by the applicable licensing body.

§2087. Rulemaking

The bureau shall implement this chapter pursuant to rules adopted in accordance with the Maine Administrative Procedure Act. The rules must include but are not limited to:

1. Administration. Standards and procedures for the administration of this chapter;

2. Exceptions. Procedures and criteria for exceptions to the prohibitions set forth in section 2085;

3. Compliance. Procedures and criteria for determining practical compliance with the community needs and alternative financing criteria in section 2085;

4. Complete opinion. Procedures and criteria for determining when a written request for an opinion set forth in section 2085 is complete; and

5. Applicability. Procedures and criteria for advising health care practitioners of the applicability of this chapter to practices pursuant to written requests.

See title page for effective date.

CHAPTER 309

H.P. 33 - L.D. 36

An Act Concerning Registration Requirements for Small Quantity Generators of Hazardous Waste

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

Sec. 1. 38 MRSA §2311, sub-§§1 and 2, as amended by PL 1991, c. 520, §22, are further amended to read:

1. Hazardous waste generators. ~~All~~ Except as provided in this subsection, all owners or operators of facilities that generate hazardous waste other than households and agricultural activities shall register annually with the commissioner. Registration forms, if required, and the accompanying fee required by this subsection are due to the commissioner by ~~March 1, 1991~~ April 15, 1994 and annually thereafter. For facilities that generate 100 kilograms or more of hazardous waste in a calendar month for more than 3 months of the year, the fee is \$100 per facility. For all other generators, the fee is \$50 per facility.

Registration is not required for owners or operators that generate less than 100 kilograms of hazardous waste in a calendar month for more than 3 months of the year if, during the preceding calendar year, some or all of that generator's hazardous waste was transported and manifested pursuant to the provisions of this Title. This exception does not apply to the requirement to pay the fee.

2. Toxics user. All toxics users must submit \$50 per extremely hazardous substance reported by the facility under SARA, Title III, Section 312 in addition to fees assessed under Title 37-B, section 801. Fees assessed under this subsection must be submitted annually by ~~March 1st~~ April 15th to the department.

See title page for effective date.
