

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

1304, Waste management		
A. Septage disposal		
1. Site designation	50	25
B. Land application of sludges and residuals program approval		
1. Industrial sludge	400	400
2. Municipal sludge	300	275
3. Bioash	300	275
4. Wood ash	300	75
5. Food waste	300	75
6. Other residuals	300	175
C. Landfill		
1. Closing plans for nonmunicipal landfills	1,500	1,500
2. Closing plans for municipal landfills	500	500
3. Variance requests for attenuation landfills	175	175
4. Preliminary information reports	175	175
5. License transfers	500	175
6. Special waste disposal		
a. One-time disposal of quantities of 6 cubic yards or less	50	50
b. One-time disposal of quantities greater than 6 cubic yards	100	100
c. Program approval for routine disposal of a special waste	300	300
D. Incineration facility		
1. Fuel substitution activities	1,575	1,500
2. License transfer	175	175
E. License transfer other than for landfills and incinerators	100	100

Sec. 2. PL 1993, c. 735, §9 is repealed.

Sec. 3. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

	1995-96	1996-97
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Environmental Protection Fund		
All Other	(\$120,000)	(\$120,000)

Deallocates funds to reflect a loss of revenues from decreased license fees.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect on July 1, 1995.

Effective July 1, 1995.

CHAPTER 174

H.P. 14 - L.D. 8

An Act Regarding School Employees Serving on School Boards

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

Sec. 1. 20-A MRSA §1002, sub-§4 is enacted to read:

4. Employees serving on school boards in school unions. An employee or the spouse of an employee of a school administrative unit may not serve on the school board of another school administrative unit when the 2 school administrative units are members of the same school union and have the same superintendent of schools.

Sec. 2. Application. This Act applies to all school board members elected to office on or after the effective date of this Act.

See title page for effective date.

CHAPTER 175

S.P. 265 - L.D. 705

An Act to Discourage Prescription Drug Fraud

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

Sec. 1. 32 MRSA §13795 is enacted to read:

§13795. Photographic proof of identification

1. Photographic proof of identification. As a precondition to filling any prescription or dispensing any drug, a pharmacist or person acting at the direction of a pharmacist may demand, inspect and record proof of identification, including valid photographic identification, from any patient presenting a prescription or any person acting on behalf of the

patient. Valid photographic identification includes but is not limited to the following:

A. A valid Maine motor vehicle operator's license;

B. A valid Maine identification card issued under Title 5, section 88-A;

C. A valid United States passport;

D. A valid passport or motor vehicle operator's license of another state, territory, possession or foreign country only if it:

(1) Contains a photograph of the traveler or licensee;

(2) Is encased in tamper-resistant plastic or otherwise possesses indicia of tamper-resistance; and

(3) Identifies the traveler's or licensee's date of birth; or

E. Other valid, tamper-resistant, photographic identification as provided in rules adopted by the Board of Commissioners of the Profession of Pharmacy pursuant to section 13722, subsection 1, paragraph A and in accordance with Title 5, chapter 375.

2. Refusal to fill prescription or dispense drug. A pharmacist or person acting at the direction of a pharmacist may exercise discretion and refuse to fill any prescription or dispense any drug if unsatisfied as to the legitimacy or appropriateness of any prescription presented, the validity of any photographic identification or the identity of any patient presenting a prescription or any person acting on behalf of the patient.

See title page for effective date.

CHAPTER 176

S.P. 366 - L.D. 992

An Act to Repeal the Salmon Aquaculture Monitoring and Research Fund

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

Sec. 1. 12 MRSA §6078, as amended by PL 1993, c. 562, §2, is repealed.

Sec. 2. Review. The Commissioner of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine

resources on or before March 15, 1996 on the findings of the aquaculture monitoring program under the Maine Revised Statutes, Title 12, sections 6077 and 6078 and the status of the Salmon Aquaculture Monitoring and Research Fund, established in Title 12, section 6078. The report must include an accounting of income and expenses for the fund during the preceding 2 years and a statement of need concerning the monitoring program for the succeeding 2 years. The commissioner shall consult with industry representatives and scientific advisors when formulating the report.

Sec. 3. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 6078 takes effect July 1, 1996.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1996-97

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Water Quality Control

All Other \$8,800

Allocates funds to cover the additional costs of issuing wastewater discharge licenses to aquaculture sites formerly monitored by the Department of Marine Resources.

DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL

\$8,800

MARINE RESOURCES, DEPARTMENT OF

Bureau of Marine Development

Positions - Other Count	(-1.0)
Personal Services	(\$43,368)
All Other	(101,253)
Capital Expenditures	(39,421)

Deallocates funds to reflect the repeal of the Salmon