

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

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

Sec. 1. 5 MRSA §8051, as amended by PL 1989, c. 297, §1, is further amended to read:

§8051. Adoption of rules of practice

In addition to other rule-making requirements imposed by law, each agency shall adopt rules of practice governing the conduct of adjudicatory proceedings, licensing proceedings and the rendering of advisory rulings, except to the extent that such rules are provided by law. The first time after October 1, 1995 that an agency proposes to adopt or modify the rules of practice governing the conduct of adjudicatory proceedings or licensing proceedings, the agency shall also propose any rules reasonably necessary to promote, when appropriate, the efficient and cost-effective use of alternative dispute resolution techniques, including the use of neutral facilitators, mediators or arbitrators. If the agency determines that it is unnecessary or inappropriate to propose these rules, it shall so state in the notice of rulemaking required under section 8053. A written explanation of the reasons for the agency's determination must be included in the basis statement of rule. Any agency rule of practice ~~which~~ that imposes a time period or deadline for the filing of any submission or for the service of any paper ~~shall~~ must provide that filing or service is complete:

1. Upon an agency. Upon an agency, when the agency receives the submission or the paper by mail, in-hand delivery or any other means specified by the agency; or

2. Upon a party. Upon a party, when the paper is mailed to the party or the party's attorney, ~~upon~~ by in-hand delivery to the recipient or by delivery to the recipient's office.

See title page for effective date.

CHAPTER 250

S.P. 370 - L.D. 1047

An Act to Allow Towns to Register Vehicles on Loan through the Federal Excess Property Program without Local Title

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

Sec. 1. 29-A MRSA §652, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. United States' vehicle. A vehicle owned by the Federal Government, unless it is registered in this State or, at the discretion of the Secretary of State, a vehicle owned by the Federal Government that is loaned to the State or a municipality for forest fire control activities;

See title page for effective date.

CHAPTER 251

H.P. 1057 - L.D. 1486

An Act to Add Types of Pharmacies That Are Subject to Record Seizure

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

Sec. 1. 32 MRSA §13723, sub-§7, as amended by PL 1991, c. 274, §2, is further amended to read:

7. Investigatory powers. The board shall notify the Department of the Attorney General upon receipt of a complaint. Upon receipt of the notifications, the Attorney General shall notify the department within a timely period if the alleged violation requires criminal investigation. If a case does not require criminal investigation, the board or its authorized representatives may investigate and gather evidence concerning alleged violations of this Act or of the rules of the board. The board or an officer authorized pursuant to paragraph A may remove from any ~~drug outlet or wholesaler premises~~ premises authorized for inspection pursuant to section 13721, subsection 1, paragraph D certain original records relating to scheduled drugs or controlled substances, including, but not limited to, prescription records, shipping and delivery records, patient profiles, inventories and other drug records for the purposes of analysis, duplication and furthering the investigation. A signed inventory receipt of any records being removed must be furnished to the ~~drug outlet or wholesaler premises~~ by the board or an authorized officer. When a means of producing legible photocopies is readily available at the site of the records being removed, an authorized officer removing the records shall leave photocopies of the records as part of an inventory receipt in accordance with this subsection. Except when photocopies are left as part of an inventory receipt, the board or an authorized officer removing records from a ~~drug outlet or wholesaler premises~~ shall, within 48 hours from the time of removal, provide to a representative of the ~~drug outlet or wholesaler premises~~ photocopies of any removed records, together with a certificate identifying the agency in possession of the records, or return the original records. Inventory receipts and photocopies of any