

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

A receivership ~~shall~~ may not be terminated in favor of the former or the new licensee, unless ~~such that~~ that person assumes all obligations incurred by the receiver and provides collateral or other assurances of payment ~~deemed~~ considered sufficient by the court.

§7937. Court order to have effect of license

An order appointing a receiver under section 7933 ~~shall have~~ has the effect of a license for the duration of the receivership. The receiver ~~shall be~~ is responsible to the court for the conduct of the facility or home health care provider during the receivership, and ~~any~~ a violation of regulations governing the conduct of the facility or home health care provider, if not promptly corrected, ~~shall~~ must be reported by the department to the court.

See title page for effective date.

CHAPTER 621

H.P. 1311 - L.D. 1795

An Act to Clarify the Laws Pertaining to the Regulation of Narcotic Dependency Treatment Programs

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

Sec. 1. 5 MRSA §20053, sub-§5, ¶¶C and D, as enacted by PL 1995, c. 499, §1 and affected by §5, are amended to read:

C. Standards for the distribution of scheduled or prescription drugs and controlled substances and for the security of these drugs and controlled substances consistent with the rules adopted by the Board of Commissioners of the Profession of Pharmacy, including, but not limited to, the use of ~~identifiable~~ appropriately labeled containers in dispensing the drugs and controlled substances;

D. Procedures for the immediate disclosure to regulatory and law enforcement authorities by treatment programs of any lost, missing, stolen ~~or~~ diverted, spilled or contaminated scheduled or prescription drugs or controlled substances;

Sec. 2. 5 MRSA §20053, sub-§7, as enacted by PL 1995, c. 499, §1 and affected by §5, is amended to read:

7. Employees. ~~Except as authorized by the Director of the Office of Substance Abuse, a~~ A person may not be employed by or contract with a treatment program in a capacity in which that person handles or has access to scheduled or prescription drugs or

controlled substances if that person has been convicted of a felony or an offense related to the possession, use, sale or distribution of scheduled or prescription drugs or controlled substances under Title 17-A, chapter 45, or under any law of another jurisdiction. The director may authorize an exception to this employment prohibition if the following circumstances exist:

A. Federal regulations do not prohibit such employment;

B. The prospective employee or contractor has obtained any required waiver from the federal Drug Enforcement Administration; and

C. The director determines that there is no substantial risk to the integrity of the program.

Promptly after authorizing an exception under this subsection, the director shall notify the Maine Drug Enforcement Agency and the law enforcement agency of the county or municipality in which the treatment program is located.

Sec. 3. 22 MRSA §2383-B, sub-§4, as enacted by PL 1995, c. 499, §3 and affected by §5, is repealed.

Sec. 4. 32 MRSA §13723, sub-§7, ¶C, as enacted by PL 1995, c. 499, §4 and affected by §5, is repealed.

See title page for effective date.

CHAPTER 622

H.P. 1268 - L.D. 1743

An Act to Establish Consistency between Federal and State Drinking Water Laws

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

Sec. 1. 22 MRSA §2613, sub-§1, as amended by PL 1979, c. 541, Pt. B, §28, is further amended to read:

1. Variances. The commissioner may grant one or more variances from an applicable state primary ~~water~~ drinking water regulation to a public water system, if the variance will not result in an unreasonable risk to the public health; and if:

A. Because of the characteristics of the raw water sources reasonably available to the systems, the system ~~cannot~~ can not meet the maximum contaminant levels of ~~such~~ the drinking water regulation despite application of the best ~~feasible~~