

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

Sec. 6. 38 MRSA §1319-D, first ¶, as amended by PL 1987, c. 750, §4, is further amended to read:

The Maine Hazardous Waste Fund is established to be used by the department as a nonlapsing, revolving fund for carrying out the department's responsibilities under this subchapter and subchapter III. All fees, penalties, interest and other charges under this subchapter ~~shall~~ must be credited to this fund. This fund ~~shall~~ must be charged with the expenses of the department related to this subchapter and subchapter III, including costs of removal or abatement of discharges and costs of the inspection or supervision of hazardous waste activities and hazardous waste handlers.

Sec. 7. 38 MRSA §2304-A, sub-§1, ¶C, as enacted by PL 1999, c. 348, §7, is amended to read:

C. Facilities that ~~generate 100 kilograms, or 220 pounds, or more of hazardous waste in a calendar month for more than 3 months of the~~ ship more than 2,640 pounds of hazardous waste in a calendar year.

Sec. 8. 38 MRSA §2311-A, sub-§§1, 2 and 3, as enacted by PL 1999, c. 348, §16, are amended to read:

1. Toxics users. Toxics users shall submit \$100 for each extremely hazardous substance reported by the facility under this chapter to the department annually by ~~April 15th~~ October 1st.

2. Toxics releasers. Toxics releasers shall submit \$100 for each toxic substance reported by the facility under this chapter to the department annually by ~~July 1st~~ October 1st.

3. Hazardous waste generators. Generators that ship 300 kilograms, or 661 pounds, or more of hazardous waste in a calendar year shall pay the following fees to the department annually by ~~April 15th~~ October 1st: for generators that ship 2,268.0 kilograms, or 5,000 pounds, or more of hazardous waste in a calendar year, the fee is \$1,000; for generators that ship between 1,197.5 kilograms and 2,267.5 kilograms, or 2,640 pounds and 4,999 pounds, per calendar year, the fee is \$500; and for generators that ship between 300 kilograms and 1,197.0 kilograms, or 661 pounds and 2,639 pounds, per calendar year, the fee is \$100. Generators that ship less than 300 kilograms, or 661 pounds, of hazardous waste in a calendar year are not required to pay fees under this section.

See title page for effective date.

CHAPTER 213

H.P. 919 - L.D. 1233

An Act to Make Improvements in the Budget Process

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

Sec. 1. 5 MRSA §1667, first ¶, as amended by PL 1981, c. 316, Pt. I and amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended to read:

Not later than June 1st of each year, the Governor shall require the head of each department and agency of the State Government to submit to the Bureau of the Budget a work program for the ensuing fiscal year. Such work program shall include all appropriations, revenues, transfers and other funds, made available to said department or agency for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments of said sums by quarters for the entire fiscal year, classified to show allotments requested for specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall further break down its budget to include institutional food expenditures. Funds not expended for this budget item ~~shall~~ may not be transferred between line categories. The Governor, with the assistance of the State Budget Officer, shall review the requested allotments with respect to the work program of each department or agency and shall, if ~~he deems~~ the Governor determines it necessary, revise, alter or change such allotments before approving the same. The Governor may authorize the State Budget Officer to approve quarterly allotments not to exceed ~~\$500~~ \$45,000 in any account. The aggregate of such allotments ~~shall~~ may not exceed the total sums made available to said department or agency for the fiscal year in question. The State Budget Officer shall transmit a copy of the allotments as approved by the Governor to the head of the department or agency concerned and also a copy to the State Controller. The State Controller shall thereupon authorize all expenditures to be made from the sums available on the basis of such allotments and not otherwise.

Sec. 2. 5 MRSA §1669, as amended by PL 1989, c. 7, Pt. O, §2, is further amended to read:

§1669. Federal funds

~~No~~ A state department or agency may not make expenditures of any federal funds or expenditures in anticipation of receipt of federal funds for any new or expanded programs in the Federal Expenditures Fund

or federal block grant funds, unless such federal funds are approved by the Legislature. The Governor may authorize the expenditure of such federal funds may be authorized for a period not to exceed 12 calendar months and shall notify the Office of Fiscal and Program Review of such action in accordance with sections 1585 and 1667.

All departments and agencies that receive federal funds from the Federal Expenditures Fund or federal block grant funds shall, within 10 working days of receipt of any official notification from the Federal Government concerning the potential or actual increase or reduction in present funding, submit a copy of that notification to the Director of the Legislative Office of Fiscal and Program Review. In addition, departments and agencies shall, within 25 working days of that notification, submit in writing to the Director of the Legislative Office of Fiscal and Program Review their proposed plan of action to address the notification which that may include an appeal or an outline of the options that will be examined in detail and a time frame for the examination.

Sec. 3. 5 MRSA §1669-A, as enacted by PL 1995, c. 707, Pt. C, §1 and affected by §2, is repealed.

See title page for effective date.

CHAPTER 214

S.P. 110 - L.D. 336

An Act to Protect the Privacy of Maine Physicians

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

Sec. 1. 32 MRSA §2600-A is enacted to read:

§2600-A. Confidentiality of personal information of applicant or licensee

An applicant or licensee shall provide the board with a current professional address and telephone number, which will be their public contact address, and a personal residence address and telephone number. An applicant's or licensee's personal residence address and telephone number is confidential information and may not be disclosed except as permitted by this section or as required by law, unless the personal residence address and telephone number have been provided as the public contact address. Personal health information submitted as part of any application is confidential information and may not be disclosed except as permitted by this section or as required by law. The personal health information and personal residence address and telephone number may

be provided to other governmental licensing or disciplinary authorities or to any health care providers located within or outside this State that are concerned with granting, limiting or denying a physician's employment or privileges.

Sec. 2. 32 MRSA §3300-A is enacted to read:

§3300-A. Confidentiality of personal information of applicant or licensee

An applicant or licensee shall provide the board with a current professional address and telephone number, which will be their public contact address, and a personal residence address and telephone number. An applicant's or licensee's personal residence address and telephone number is confidential information and may not be disclosed except as permitted by this section or as required by law, unless the personal residence address and telephone number have been provided as the public contact address. Personal health information submitted as part of any application is confidential information and may not be disclosed except as permitted by this section or as required by law. The personal health information and personal residence address and telephone number may be provided to other governmental licensing or disciplinary authorities or to any health care providers located within or outside this State that are concerned with granting, limiting or denying a physician's employment or privileges.

See title page for effective date.

CHAPTER 215

H.P. 214 - L.D. 249

An Act to Amend the Rule-making Process Regarding the State's Plumbing Code

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

Whereas, the Plumbers' Examining Board is scheduling a rule-making process to adopt a plumbing code by reference; and

Whereas, the proposed plumbing code to be adopted is disadvantageous to both the consumers of plumbing services and the municipal plumbing regulators who oversee plumbing installations; 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 preserva-