

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

2. Verify the amount of estimated revenues produced by a casino, net costs of additional social services and the impact of those revenues and costs on the State;

3. Estimate the number of new jobs created and lost due to the construction and operation of a Maine-based casino;

4. Estimate the need caused by a casino for any new or increased services;

5. Identify appropriate locations for a casino if one is to be operated in the State;

6. Estimate the impact of a Maine-based casino on municipal services, social services, affordable housing, business activity and criminal activity within a 50-mile radius of a proposed casino and the impact on other forms of gambling that are legally conducted in the State; and

7. Survey the various agencies, groups, organizations and individuals to determine which agencies, groups, organizations and individuals would provide education, assistance and counseling to individuals and families experiencing difficulties as the result of problem or pathological gambling and to determine the necessary funding for those that have demonstrated their capacity to efficiently and effectively provide the necessary services; and be it further

**Sec. 6. Meetings. Resolved:** That the task force may hold up to 4 meetings. One meeting may be a public hearing held in the Augusta area; and be it further

**Sec. 7. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force; and be it further

**Sec. 8. Compensation. Resolved:** That the legislative members of the task force are entitled to receive legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the task force; and be it further

**Sec. 9. Report. Resolved:** That the task force shall submit a report that includes its findings and recommendations to the joint standing committees of the Legislature having jurisdiction over business and economic development and gaming matters no later than November 6, 2002; and be it further

**Sec. 10. Extension. Resolved:** That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 11. Task force budget. Resolved:** That the chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget.

Upon request from the task force, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the task force chairs and staff with a status report on the study budget, expenditures incurred and paid and available funds.

See title page for effective date.

## CHAPTER 125

### H.P. 1637 - L.D. 2140

#### **Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services**

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a provisionally adopted major substantive rule of the Department of Human Services, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized only with the following changes.

1. The poster may not include the words "Ask for a copy of this brochure" but must include the words "Your Dentist is required to give you a copy of this brochure in accordance with State Law (32 MRSA, section 1094-C)".

2. The 2nd paragraph in the section of the rule titled "About this Booklet" may not include the words "Many years of using mercury in batteries" but must include the words "Many years of burning coal along with using mercury in products like batteries".

3. The first paragraph in the section of the rule titled "Amalgam Fillings and Mercury" may not include the words "grinding your teeth, drinking hot liquids, and tooth brushing" but must include the

words "grinding your teeth, and drinking hot liquids" and may not include the words "does not enter our bodies" but must include the words "does not enter our bloodstream".

4. The 2nd paragraph of the rule in the section titled "Health Concerns" may not include the words "To be careful, Canada and several countries in Europe have put limits on the use of mercury amalgam. They warn that women should not have amalgam fillings placed in or removed from their teeth if they are pregnant" but must include the words "To be careful, Canada and several countries in Europe recommend limits on the use of mercury amalgam. They advise that pregnant women should not have amalgam fillings placed or removed from their teeth."

5. The 2nd paragraph in that section of the rule titled "Environmental Concerns" must include the words "Wildlife that eat fish, such as eagles, loons, and otters, are also at risk of harm from mercury pollution."

The Bureau of Health is not required to hold hearings or conduct other formal proceedings on this rule prior to finally adopting this rule in accordance with this resolve; and be it further

**Sec. 2. Certain nonsubstantive changes authorized. Resolved:** That changes made by the Director of the Bureau of Health to the poster and the brochure authorized in this resolve for the sole purpose of inserting or changing graphics or for improving the readability and comprehensibility of the brochure are not considered amendments to a major substantive rule and are not subject to further legislative review under the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 3. Brochures. Resolved:** That, notwithstanding the provisions of the Maine Revised Statutes, Title 32, section 1094-C, the Department of Human Services, Bureau of Health is not required to provide to each dentist in the State more than one copy of the brochure authorized in this resolve; and be it further

**Sec. 4. Production and distribution of materials. Resolved:** That the Department of Human Services, Bureau of Health shall print and distribute a copy of the brochure and the poster authorized by this resolve to each dentist in the State and shall post a copy of the brochure on its publicly accessible site on the Internet that is suitable for downloading and printing by dentists, patients and other interested parties, including the Board of Dental Examiners, the Maine Dental Association and the Maine Dental Hygienists Association.

See title page for effective date.

## CHAPTER 126

### S.P. 835 - L.D. 2217

#### **Resolve, to Fund the Operations of the Workers' Compensation Board for Fiscal Year 2002-03**

**Sec. 1. Authorization to use reserve funds. Resolved:** That, in addition to the assessment provided in the Maine Revised Statutes, Title 39-A, section 154, subsection 6, the Workers' Compensation Board may, on a one-time basis in fiscal year 2002-03, spend up to \$1,341,750 from the reserve account created pursuant to the Maine Revised Statutes, Title 39-A, section 154, subsection 6 for the following purposes:

1. No more than \$1,020,765 of the reserve fund may be used to meet the operational needs of the Workers' Compensation Board in fiscal year 2002-03. This is a one-time authorization and does not apply to any ongoing use of the reserve fund for these purposes;

2. No more than \$116,736 of the reserve fund may be used on technological improvement projects in accordance with a plan to be developed no later than January 1, 2003 by the Workers' Compensation Board in consultation with the Commissioner of Labor and the Commissioner of Administrative and Financial Services and interested parties. This is a one-time authorization and does not apply to any ongoing use of the reserve fund for technology;

3. No more than \$200,000 of the reserve fund may be used to allow the board to continue to contract for temporary worker advocate and clerical support services for the worker advocate activity in the regional offices. This is a one-time authorization and does not apply to any ongoing use of the reserve fund for these purposes; and

4. No more than \$4,249 of the reserve fund may be used to fund the costs of approved collective bargaining.

In addition to the amounts in subsections 1 to 4, the Workers' Compensation Board may spend up to an additional \$258,250 of the reserve fund by financial order upon recommendation of the State Budget Officer and approval of the Governor if revenue from other sources falls short of projections; and be it further

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**WORKERS' COMPENSATION BOARD**