

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

and address of the individual holding the weapons and a description of all weapons held by that individual. The court may subsequently issue a search warrant authorizing a law enforcement officer to seize any firearms and other dangerous weapons at any location if there is probable cause to believe such firearms or dangerous weapons have not been relinquished by the defendant.

See title page for effective date.

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## CHAPTER 373

S.P. 558 - L.D. 1604

### An Act To Expedite the Drilling of Private Drinking Water Wells

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

**Sec. 1. 23 MRSA §3360-A, sub-§3, ¶A**, as enacted by PL 1991, c. 437, §3 and affected by §12, is amended to read:

A. In addition to any other notices required under this section, each excavator shall notify the system of the location of the intended excavation at least 3 business days but not more than 30 calendar days prior to the commencement of excavation, except as provided in paragraph G.

**Sec. 2. 23 MRSA §3360-A, sub-§3, ¶G** is enacted to read:

G. If an excavator notifies the system and non-member operators as required by this section and is informed by the system and each nonmember operator, including private landowners, that no underground facilities exist in the proposed excavation area, then the excavator is not required to wait the 3 days as required by this subsection and subsection 10 and may begin excavation immediately.

**Sec. 3. 23 MRSA §3360-A, sub-§5-F** is enacted to read:

**5-F. Water well construction; rulemaking.** The Public Utilities Commission shall by rule establish notice requirements for excavation associated with drinking water well construction. In establishing the rule, the commission shall consider:

A. Whether notice requirements established in the rule should be limited to the drilling of a well or should also apply to other excavation associated with well construction activities, such as trenching for installation of pipes and equipment;

B. Whether notice requirements established in the rule should be based on factors such as geographic location, population density or other criteria bearing on the efficiency and effectiveness of the notification process and any offsetting public safety risks;

C. Whether the amount of time required for notice prior to excavation should be reduced; and

D. Any notice requirements associated with drinking water well construction that the commission determines appropriate.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. Rulemaking.** The Public Utilities Commission shall submit rules made pursuant to the Maine Revised Statutes, Title 23, section 3360-A, subsection 5-F to the Joint Standing Committee on Utilities and Energy for review no later than February 1, 2004.

See title page for effective date.

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## CHAPTER 374

S.P. 559 - L.D. 1605

### An Act To Amend the Law Relating to Multiple-employer Welfare Arrangements

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

**Whereas**, the Legislature authorizes employers to secure health insurance through multiple-employer welfare arrangements; and

**Whereas**, there are few options available to employers to secure health insurance for their employees; and

**Whereas**, multiple-employer welfare arrangements provide health insurance to thousands of Maine residents, and that health insurance should not be disrupted; and

**Whereas**, technical changes are required to the multiple-employer welfare arrangement laws to ensure the continued availability of health insurance through the multiple-employer welfare arrangement to Maine employers and employees; 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 preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 24-A MRSA §6603, sub-§1, ¶C,** as enacted by PL 1993, c. 688, §1, is amended to read:

C. Must be operated pursuant to a trust agreement by a board of trustees that has complete fiscal control over the arrangement and that is responsible for all operations of the arrangement. The trustees selected must be owners, partners, officers, directors or employees of one or more employers in the arrangement. A trustee may not be an owner, officer or employee of the administrator or service company of the arrangement. The trustees have the authority to approve applications of association members for participation in the arrangement and to contract with a ~~state resident~~ licensed administrator or service company to administer the day-to-day affairs of the arrangement;

**Sec. 2. 24-A MRSA §6603, sub-§5,** as enacted by PL 1993, c. 688, §1, is amended to read:

**5. Funds held in trust.** All funds of a multiple-employer welfare arrangement must be held in trust in this State in the name of the arrangement in a qualified financial institution by state or federally chartered financial institutions until such time as they are disbursed.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 30, 2003.

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**CHAPTER 375**

**H.P. 111 - L.D. 102**

**An Act to Require Disclosure of Retail Prescription Drug Prices**

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

**Sec. 1. 32 MRSA §13784, sub-§3** is enacted to read:

**3. Retail price.** With each prescription dispensed, the pharmacist shall disclose to the patient in writing the usual and customary price of the prescription and the cost of any payment toward the price required of the patient.

**Sec. 2. Application.** The provisions of the Maine Revised Statutes, Title 32, section 13874, subsection 3 apply to a pharmacy beginning January 1, 2006 or when the pharmacy updates its computer software program with regard to prescription drug price and patient payment, whichever occurs first.

See title page for effective date.

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**CHAPTER 376**

**H.P. 579 - L.D. 780**

**An Act To Amend the Maine Registry of Certified Nursing Assistants**

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

**Whereas,** the delivery of high-quality care for persons who are elderly or disabled depends in large part on the personal qualifications of the person delivering the care; and

**Whereas,** persons seeking to employ certified nursing assistants to deliver care to persons who are elderly or disabled need timely and accurate information about the qualifications of those potential workers; 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 preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §1812-G, sub-§§4 and 5,** as enacted by PL 1997, c. 465, §2, are amended to read:

**4. Verification of credentials and training.** The department shall verify the credentials and training of all ~~certified nursing assistants~~ applicants to the Maine Registry of Certified Nursing Assistants.

**5. Verifying certified nursing assistant listing.** A health care institution, facility or organization ~~employing that employs~~ a certified nursing assistant shall, before hiring a certified nursing assistant, verify with the Maine Registry of Certified Nursing Assistants that the certified nursing assistant is listed on the Maine Registry of Certified Nursing Assistants.