

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

developed pursuant to the Maine Revised Statutes, Title 25, section 1532, subsection 3. This report must contain information relative to the fiscal and personnel issues involved in the implementation of consolidated communications systems. A copy of the report must be provided to each municipality and county of the State and each affected bargaining unit within 10 days of filing the report with the Legislature. If during the development of the implementation plan the board determines that statutory changes are required to effectuate the implementation plan, the board shall submit proposed legislation to the First Regular Session of the 122nd Legislature by January 15, 2005. During the development of the implementation plan, the board shall consult with any bargaining units whose members may be affected by the implementation plan.

See title page for effective date.

CHAPTER 679

S.P. 671 - L.D. 1826

An Act To Encourage the Proper Disposal of Unused Pharmaceuticals

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

Sec. 1. 22 MRSA c. 604 is enacted to read:

CHAPTER 604

DISPOSAL OF UNUSED PHARMACEUTICALS

§2700. Unused Pharmaceutical Disposal Program

1. Establishment; purpose. There is established the Unused Pharmaceutical Disposal Program, referred to in this chapter as "the program." The purpose of the program is to ensure the safe, effective and proper disposal of unused pharmaceuticals. For purposes of compliance with federal law and regulation, the return of pharmaceuticals under this section is deemed to be for law enforcement purposes.

2. Administration. The program is administered by the Maine Drug Enforcement Agency, referred to in this chapter as "the agency," established in Title 25, section 2955.

3. Return of pharmaceuticals. The agency shall create a system for the return of unused pharmaceuticals. The system must use prepaid mailing envelopes into which the unused pharmaceuticals are placed and returned to a single collection location. The prepaid mailing envelopes must be made available to the public at various locations, including, but not limited to, pharmacies, physicians' offices and post

offices. The agency may randomly assess the toxicity of materials received under the program as long as the assessment results do not identify the patient, person who mailed the material, prescriber or pharmacy.

4. Disposal of pharmaceuticals. The agency shall ensure that only agency officers handle the unused pharmaceuticals received pursuant to subsection 3. The unused pharmaceuticals must be disposed of by the agency in a manner that is designed to be effective, secure and in compliance with local, state and federal environmental requirements, including the federal Resource Conservation and Recovery Act of 1976, as amended.

5. Unused Pharmaceutical Disposal Program Fund; funding. The Unused Pharmaceutical Disposal Program Fund, referred to in this chapter as "the fund," is established within the agency to be used by the director of the agency to fund or assist in funding the program. Any balance in the fund does not lapse but is carried forward to be expended for the same purposes in succeeding fiscal years. The fund must be deposited with and maintained and administered by the agency. The agency may accept funds into the fund from any non-General Fund, nonpublic fund source, including grants or contributions of money or other things of value, that it determines necessary to carry out the purposes of this chapter. Money received by the agency to establish and maintain the program must be used for the expenses of administering this chapter.

6. Rulemaking. The agency shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Maine Drug Return Implementation Group. The Maine Drug Return Implementation Group, referred to in this section as "the implementation group," is established to work on implementation issues for the Unused Pharmaceutical Disposal Program, established in the Maine Revised Statutes, Title 22, chapter 604, referred to in this section as "the program."

1. Issues. The implementation group shall study the following issues and make recommendations for implementation of the program in a manner that addresses the issues, safeguards the public health and environment and meets the requirements of local, state and federal law, rule and regulation:

- A. Postal regulations;
- B. The methods and requirements for packaging, including prepaid mailing envelopes;
- C. Minimizing drug diversion and theft;

D. Public education regarding program requirements and operation; and

E. Encouraging the development of drug drop-off programs at the local level.

2. Membership. The implementation group consists of 11 members.

A. The President of the Senate shall appoint one Senator, one representative of local municipal enforcement agencies and one representative of pharmacies. The appointed Senator serves as chair of the implementation group.

B. The Speaker of the House shall appoint 2 representatives, one person representing pharmaceutical manufacturers and one representative of a statewide association of medical professionals.

C. The implementation group must also include the Attorney General or the Attorney General's designee, the Commissioner of Human Services or the commissioner's designee, the Commissioner of Environmental Protection or the commissioner's designee and the Director of the Maine Drug Enforcement Agency or the director's designee.

The implementation group shall invite the participation of the federal Drug Enforcement Agency, the Office of the United States Attorney for the District of Maine, the United States Postal Service and interested parties and persons with expertise and interest in issues related to the disposal of unused pharmaceuticals.

All appointments must be made by September 1, 2004. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When appointment of all members of the implementation group is completed, the chair shall call and convene the first meeting no later than September 30, 2004.

3. Staffing. Staffing must be provided by a statewide association of medical professionals and, upon approval of the Legislative Council, the Office of Policy and Legal Analysis.

4. Compensation. Legislative members of the implementation group are entitled to the 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 authorized meetings of the group. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal

to the legislative per diem for their attendance at authorized meetings of the implementation group.

5. Report. The implementation group shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2005. The report must include information and recommendations on implementing the program. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall review the report and may report out legislation to the First Regular Session of the 122nd Legislature.

6. Extension. If the implementation group requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant an extension.

7. Funding. The implementation group shall seek outside funds to fully fund all costs of the implementation group. If sufficient outside funding has not been received by September 15, 2004 to fully fund all costs of the implementation group, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the implementation group may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the implementation group. The executive director shall notify the chair of the implementation group when sufficient funding has been received.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Miscellaneous Studies - Funding

Initiative: Allocates funds for the per diem and expenses of members of the Maine Drug Return Implementation Group and printing a report in fiscal year 2004-05.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$0	\$660

All Other	0	2,200
Other Special Revenue	_____	_____
Funds Total	\$0	\$2,860

Sec. 4. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 22, chapter 604 takes effect July 1, 2005.

See title page for effective date, unless otherwise indicated.

CHAPTER 680

S.P. 630 - L.D. 1698

An Act To Join the Interstate Insurance Product Regulation Compact

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

Sec. 1. 24-A MRSA c. 28 is enacted to read:

CHAPTER 28

INTERSTATE INSURANCE PRODUCT REGULATION COMPACT

§2471. Short title -- Article 1

This chapter may be known and cited as "the Interstate Insurance Product Regulation Compact."

§2472. Interstate Insurance Product Regulation Compact established; purposes

1. Compact established. Pursuant to terms and conditions of this chapter, the State seeks to join with other states and establish the Interstate Insurance Product Regulation Compact, referred to in this chapter as "the compact," and thus become a member of the Interstate Insurance Product Regulation Commission. The superintendent is designated to serve as the representative of this State to the commission.

2. Purposes. The purposes of this compact are, through means of joint and cooperative action among the compacting states:

A. To promote and protect the interest of consumers of individual and group annuity, life, disability income and long-term care insurance products;

B. To develop uniform standards for insurance products covered under the compact;

C. To establish a central clearinghouse to receive and provide prompt review of insurance products covered under the compact and, in certain cases, advertisements related thereto, submitted by insurers authorized to do business in one or more compacting states;

D. To give appropriate regulatory approval to those product filings and advertisements satisfying the applicable uniform standard;

E. To improve coordination of regulatory resources and expertise between state insurance departments regarding the setting of uniform standards and review of insurance products covered under the compact;

F. To create the Interstate Insurance Product Regulation Commission; and

G. To perform these and such other related functions as may be consistent with the state regulation of the business of insurance.

§2473. Definitions -- Article 2

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Advertisement. "Advertisement" means any material designed to create public interest in a product or induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace or retain a policy, as more specifically defined in the rules and operating procedures of the commission.

2. Bylaws. "Bylaws" means the bylaws established by the commission for its governance or for directing or controlling the commission's actions or conduct.

3. Compacting state. "Compacting state" means a state that has enacted the compact and that has not withdrawn pursuant to section 2485, subsection 1 or been terminated pursuant to section 2485, subsection 2.

4. Commission. "Commission" means the Interstate Insurance Product Regulation Commission established by the compact.

5. Commissioner. "Commissioner" means the chief insurance regulatory official of a compacting state, including, but not limited to, commissioner, superintendent, director or administrator.

6. Domiciliary state. "Domiciliary state" means the state in which an insurer is incorporated or organized or, in the case of an alien insurer, its state of entry.