

# 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**

**CHAPTER 25****H.P. 642 - L.D. 865****Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Similar Laws and Proposals**

**Whereas**, current Maine law is inadequate to address issues relating to parental rights and responsibilities, ethics, inheritance and property rights when genetic, biological and factual parentage can not be determined in traditional ways; and

**Whereas**, Maine courts are in need of legislative guidance respecting the determination of parental and other rights and responsibilities in such cases; and

**Whereas**, the Legislature is desirous of protecting children in such nontraditional circumstances from unnecessary litigation, uncertainty and insecurity; and

**Whereas**, the Family Law Advisory Commission is authorized to review and make recommendations on family law issues generally under the Maine Revised Statutes, Title 19-A, section 351 et seq. but has not yet addressed issues relating to children conceived through nontraditional means and when parentage is questioned; now, therefore, be it

**Sec. 1. Study. Resolved:** That the Family Law Advisory Commission established under the Maine Revised Statutes, Title 5, section 12004-I, subsection 52-A is directed to conduct a comprehensive study of the Uniform Parentage Act and similar laws and proposals; and be it further

**Sec. 2. Report. Resolved:** That the Family Law Advisory Commission shall submit a report no later than January 1, 2004, together with any necessary implementing legislation, for presentation to the Second Regular Session of the 121st Legislature. The Family Law Advisory Commission is authorized to submit legislation related to its report to the Second Regular Session of the 121st Legislature.

See title page for effective date.

**CHAPTER 26****H.P. 1117 - L.D. 1526****Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections**

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

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 15: Batterer Intervention Program Certification, a provisionally adopted major substantive rule of the Department of Corrections that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective May 16, 2003.

**CHAPTER 27****S.P. 291 - L.D. 896****Resolve, To Establish a System for Electronic Filing of Death Certificates**

**Sec. 1. Electronic death certificate filing system. Resolved:** That the Department of Human Services, Bureau of Health shall convene an advisory committee to develop a plan for establishing and funding an electronic death certificate filing system in the State. The bureau shall invite representatives of the following organizations to participate in the advisory committee: each of the 2 statewide associations of funeral directors, a statewide association of allopathic physicians, a statewide association of osteopathic physicians, a statewide association of municipal clerks and the Office of Chief Medical Examiner. The advisory committee shall report to the

Joint Standing Committee on Health and Human Services by January 15, 2004 regarding the development of a plan for establishing and funding an electronic death certificate filing system. The bureau shall provide staffing services to support the work of the advisory committee.

See title page for effective date.

## CHAPTER 28

H.P. 808 - L.D. 1105

### Resolve, Regarding Fire Safety Issues in Head Start Preschool Programs Located in Public Schools

**Sec. 1. Advisory work group convened; duties. Resolved:** That the Department of Human Services and the Department of Education, referred to in this resolve as "the departments," shall convene an advisory work group to examine and make recommendations to the departments regarding fire safety issues in Head Start preschool programs located in public schools; and be it further

**Sec. 2. Advisory group membership. Resolved:** That the Commissioner of Education and the Commissioner of Human Services shall jointly appoint members of the advisory work group from each of the following interested parties: the Maine Head Start Directors Association; the Office of the State Fire Marshal; the Department of Human Services, Office of Child Care and Head Start; the Department of Human Services, Division of Licensing, Child Care Licensing Unit; the Department of Education, School Facilities Services; the Department of Education, Child Development Services; and the Maine School Management Association; and be it further

**Sec. 3. Chairs; convening of advisory work group. Resolved:** That the departments shall jointly appoint co-chairs of the advisory work group. When the appointment of all advisory work group members is complete, the co-chairs of the advisory work group shall call and convene the first meeting of the advisory work group; and be it further

**Sec. 4. Recommendations and report. Resolved:** That the advisory work group shall make recommendations to the departments by November 14, 2003 regarding fire safety issues in Head Start preschool programs located in public schools. The advisory work group shall report the results of its work to the Joint Standing Committee on Health and Human Services by January 30, 2004.

See title page for effective date.

## CHAPTER 29

S.P. 249 - L.D. 711

### Resolve, To Lower the Costs of Prescription Drugs through the Use of the Federal Public Health Service Act

**Sec. 1. Study and report. Resolved:** That the Department of Human Services shall study and by January 1, 2004 shall provide a report to the Joint Standing Committee on Health and Human Services on the feasibility of providing discounted prescription drugs to Maine's most vulnerable patient populations through the use of Section 340B of the federal Public Health Service Act, 42 United States Code, Section 256b (1999), referred to in this resolve as "Section 340B." The department shall work with other state agencies, representatives of state employees and representatives of health care providers and facilities in the State to provide the following information:

**1. Covered entities.** A description of all health care providers and facilities in the State potentially eligible for designation as "covered entities" under Section 340B, including without limitation all hospitals eligible as disproportionate share hospitals; recipients of grants from the United States Public Health Service; federally qualified health centers; federally qualified look-alikes; state-operated AIDS drug assistance programs; Ryan White CARE Act Title I, Title II and Title III programs; tuberculosis, black lung, family planning and sexually transmitted disease clinics; hemophilia treatment centers; public housing primary care clinics; and clinics for homeless people;

**2. Potential applications and benefits.** A listing of potential applications of Section 340B and the potential benefits to public, private and 3rd-party payors for prescription drugs, including without limitation:

A. Application to inmates and employees in youth correctional facilities, county jails and state prisons;

B. Maximizing the use of Section 340B within state-funded managed care plans;

C. Including Section 340B providers in state bulk purchasing initiatives; and

D. Utilizing sole source contracts with Section 340B providers to furnish high-cost chronic care drugs;

**3. Section 340B discounts.** Discounts available through Section 340B contracts, including estimated costs savings to the State as a result of retail mark-up