

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

request: the names of the patients whose care by the disciplined practitioner gave rise to the adverse action; medical records relating to the event or events giving rise to the adverse action; written statements signed or prepared by any witness or complainant to the event; and related correspondence between the practitioner and the provider or entity. The report must include situations in which employment or privileges have been revoked, suspended, limited or otherwise adversely affected by action of the health care practitioner while the health care practitioner was the subject of disciplinary proceedings, and it also must include situations where employment or privileges have been revoked, suspended, limited or otherwise adversely affected by act of the health care practitioner in return for the health care provider's or health care entity's terminating such proceeding. Any reversal, modification or change of action reported pursuant to this section must be reported immediately to the practitioner's board or authority, together with a brief statement of the reasons for that reversal, modification or change. If the adverse action requiring a report as a result of a reversal, modification or change of action consists of the revocation, suspension or limitation of clinical privileges of a physician, physician assistant or advanced practice registered nurse by a health care provider or health care entity for reasons relating to clinical competence or unprofessional conduct and is taken pursuant to medical staff bylaws or other credentialing and privileging policies, whether or not the practitioner is employed by that health care provider or entity, then the provider or entity shall include in its initial report to the disciplined practitioner's licensing board or authority the names of all patients whose care by the disciplined practitioner gave rise to the adverse action. The failure of any health care provider or health care entity to report as required is a civil violation for which a fine of not more than ~~\$1,000~~ \$5,000 may be adjudged.

Carriers providing managed care plans are subject to the reporting requirements of this section when they take adverse actions against a practitioner's credentials or employment for reasons related to clinical competence or unprofessional conduct that may adversely affect the health or welfare of the patient.

**Sec. 2. 24 MRSA §2510, sub-§1, ¶B,** as enacted by PL 1977, c. 492, §3, is amended to read:

B. To governmental licensing or disciplinary authorities of any jurisdiction or to any health care providers or health care entities located within or outside this State ~~which that~~ are concerned with granting, limiting or denying a physician's ~~hospital~~ privileges, ~~provided that but~~ only if the board ~~shall include~~ includes along with the transfer an indication as to whether or

not the information has been substantiated by the board;

See title page for effective date.

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**CHAPTER 222**

**H.P. 97 - L.D. 121**

**An Act To Improve Communication, Cooperation and Efficiencies in State Government**

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

**Sec. 1. 5 MRSA §12004-I, sub-§75-C,** as enacted by PL 2003, c. 696, §1, is amended to read:

<b>75-C.</b>	Intergovern- mental Advisory <del>Group</del> <u>Commission</u>	Legislative Per Diem and Expenses for Legis- lators and expenses only for certain members	30-A MRSA §2181
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**Sec. 2. 30-A MRSA §2181,** as amended by PL 2005, c. 2, Pt. D, §64 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

**§2181. Intergovernmental Advisory Commission**

The Intergovernmental Advisory ~~Group Com-~~ mission, established by Title 5, section 12004-I, subsection 75-C and referred to in this chapter as "the advisory ~~group~~ commission," shall work on ways to improve communication, cooperation and efficiencies within all 3 branches of government and provide state assistance to encourage regionalization and cost-effective service delivery.

**1. Advisory commission membership.** The advisory ~~group~~ commission consists of the following ~~17~~ 19 members:

A. One member of the Senate appointed by the President of the Senate;

B. One member of the House of Representatives who is not a member of the same political party as the Senator appointed under paragraph A, appointed by the Speaker of the House;

C. Three members who must be state agency or department heads or their designees, appointed by the Governor. The Governor may appoint the

fiscal administrator of the unorganized territory in lieu of an agency or department head;

D. Five members appointed by the Governor who represent regional governments, 3 of whom must be county officials recommended by a statewide association of county commissioners and 2 of whom must represent regional planning agencies, councils of government or other regional bodies;

E. Five members appointed by the Governor who represent local government, 3 of whom must be municipal officials recommended by a statewide municipal association and 2 of whom must represent school administrative units or other special-purpose districts that represent 2 or more municipalities; ~~and~~

F. Two members appointed by the Governor who represent nongovernmental entities with experience in regionalization, consolidation and customer service, one from the not-for-profit sector and one from the for-profit sector; ~~and~~

G. Two members appointed by the Governor who represent public safety, one of whom must be a municipal official recommended by a statewide organization representing public safety interests and one of whom must be a county official recommended by a statewide association of county commissioners.

The Governor shall appoint at least 3 members from each of 3 regions defined as follows: Region 1: Aroostook, Hancock, Penobscot, Piscataquis and Washington counties; Region 2: Androscoggin, Franklin, Kennebec, Knox, Lincoln, Oxford, Sagadahoc, Somerset and Waldo counties; and Region 3: Cumberland and York counties. The Governor shall make every effort to ensure a geographic diversity of membership from each region.

**2. Chairs.** The 2 legislative members of the advisory group commission are the cochairs.

**3. Terms of appointment.** The terms of appointment are as follows.

A. Of the initial gubernatorial appointments, 5 must be for terms of 3 years, 5 must be for terms of 2 years and 5 must be for terms of one year.

B. Subsequent gubernatorial appointments must be for terms of 3 years, except that, if a member is unable to complete the term, the Governor shall appoint a person to serve out the remainder of the unexpired term.

C. The term for an elected official must be for the term of office of the person appointed.

D. A member may not serve for more than 6 years. A member may continue to serve until a replacement is designated.

**4. Duties.** The advisory group commission shall:

A. Study ways to reduce duplication and improve efficiency among all 3 branches of State Government as well as within each branch;

B. Promote communication, cooperation and efficient delivery of services, including collecting data on current efforts to regionalize service delivery statewide;

C. Design and implement processes by which the State may offer guidance, technical support and incentives to encourage regionalization and efficiency of service delivery by all 3 branches of government;

D. Work with local and regional entities to design and implement pilot programs that result in cost savings or improved services through regionalization or other efficiency efforts;

E. Identify best management practices and make this information available to the public, including, but not limited to, best management practices that facilitate property tax rate reduction pursuant to the increasing state share of the total cost of essential programs and services under Title 20-A, chapter 606-B;

F. Prepare legislation for submission to the Legislature to implement any recommendations of the advisory group commission on or before December 1st annually; and

G. Report to the joint standing committee of the Legislature having jurisdiction over state and local government matters annually in January on the activities and effectiveness of the group commission and recommend changes to the group's commission's organizational structure.

**5. Meetings.** The advisory group commission may meet up to 4 times a year. The advisory commission may meet up to 6 more times a year if the advisory commission raises funds as outlined in subsection 8 to compensate members.

**6. Attendance.** If a member of the advisory group commission fails to notify the chairs about an absence from a meeting more than one time, the original appointing authority may appoint a replacement.

**7. Staff assistance.** The Executive Department, State Planning Office shall provide all necessary

staffing and support services for the advisory ~~group~~ commission. The State Planning Office shall designate an individual as the intergovernmental coordinator. The purpose of the coordinator is to encourage improved governmental cooperation, efficiencies in service delivery and coordination of regional and cooperative efforts initiated through state departments and agencies.

**8. Funding.** The advisory ~~group~~ commission is authorized to seek, accept and expend funding to carry out the advisory ~~group's~~ commission's program activities, subject to approval by the Director of the State Planning Office within the Executive Department. All funds accepted must be forwarded to the Director of the State Planning Office, who shall administer all funds received by the advisory ~~group~~ commission. The State Planning Office must transfer sufficient funds to the Legislature for the payment of per diem and expenses to Legislators for their attendance at any additional meetings.

**9. Compensation.** Legislative members of the advisory ~~group~~ commission are entitled to receive the legislative per diem as defined in Title 3, section 2 and reimbursement for expenses according to Title 5, section 12004-I, subsection 75-C. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings of the advisory ~~group~~ commission from the Executive Department, State Planning Office, subject to the approval of the Director of the State Planning Office.

**10. Quorum; actions.** A quorum is a majority of the members of the advisory ~~group~~ commission. An affirmative vote of the majority of the members present at a meeting is required for any action.

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

**LEGISLATURE**

**Legislature - Intergovernmental Advisory Commission 0081**

Initiative: Allocates funds for the per diem and expenses for the legislative members of the commission for 6 additional meetings.

**OTHER SPECIAL REVENUE**

FUNDS	2005-06	2006-07
Personal Services	\$660	\$660
All Other	\$600	\$600
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,260	\$1,260

**Sec. 4. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Intergovernmental Advisory Group" appears or reference is made to that entity or

those words, those words are amended to read or mean, as appropriate, "Intergovernmental Advisory Commission" or "commission," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 223**

**S.P. 293 - L.D. 885**

**An Act To Discourage Further the Sale of Tobacco to Minors**

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

**Sec. 1. 22 MRSA §1541, sub-§7** is enacted to read:

**7. Tobacco specialty store.** "Tobacco specialty store" means a retail business under 2,000 square feet in which at least 60% of the business's gross revenue for the last calendar year was derived from the sale of tobacco or tobacco-related products.

**Sec. 2. 22 MRSA §1542, sub-§2, ¶L,** as enacted by PL 1993, c. 342, §1 and affected by §9, is amended to read:

L. Smoking is not prohibited in a ~~retail store under 2,000 square feet that primarily sells tobacco or tobacco-related products~~ tobacco specialty store.

**Sec. 3. 22 MRSA §1547** is enacted to read:

**§1547. Tobacco specialty store; entry prohibited for persons under 18 years of age**

A person under 18 years of age is prohibited from entering a business licensed as a tobacco specialty store unless accompanied by a parent or legal guardian, regardless of whether smoking is allowed in that store.

**Sec. 4. 22 MRSA §1555-B, sub-§1,** as enacted by PL 1997, c. 305, §5, is amended to read:

**1. Retail sales.** Tobacco products may be sold at retail only in a direct, face-to-face exchange in which the purchaser may be clearly identified and through the mail under procedures approved by the department to provide reliable verification that the purchaser is not a minor. For direct, face-to-face sales, employees who sell tobacco products must be at least 17 years of age. An employee who is at least 17 years of age but less than 21 years of age may sell tobacco products only in the presence of an employee