

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.

Penmor Lithographers
Lewiston, Maine
2005

§2625. Return and payment

Every railroad company incorporated under the laws of this State or doing business in this State shall file with the State Tax Assessor annually, on or before April 15th, a railroad excise tax return, on a form prescribed by the State Tax Assessor. The tax must be paid in equal installments on the next June 15th, September 15th and December 15th. ~~The Except as otherwise provided in subsection 1, the Treasurer of State shall deposit all taxes paid under this chapter into the Railroad Preservation and Assistance Fund established under Title 23, section 7103.~~

1. Railroad Freight Service Quality Fund. ~~The Treasurer of State shall each year deposit \$20,000 of the taxes paid under this chapter in the Railroad Freight Service Quality Fund established under Title 35-A, section 1711.~~

~~This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature.~~

Sec. 4. Authority to report legislation.

The Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation may jointly report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

Sec. 5. Appropriations and allocations.

The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Public Advocate

Initiative: Allocates general operating funds to assist the Public Advocate in enhancing and promoting railroad service quality in the State.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$20,000	\$20,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,000	\$20,000
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EXECUTIVE DEPARTMENT DEPARTMENT TOTALS	2005-06	2006-07
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OTHER SPECIAL REVENUE FUNDS	\$20,000	\$20,000
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DEPARTMENT TOTAL - ALL FUNDS	\$20,000	\$20,000
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TRANSPORTATION, DEPARTMENT OF

Railroad Assistance Program 0350

Initiative: Deallocates general operating funds to reflect a loss of revenue to the Railroad Preservation and Assistance Fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	(\$20,000)	(\$20,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$20,000)	(\$20,000)
TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	(\$20,000)	(\$20,000)
DEPARTMENT TOTAL - ALL FUNDS	(\$20,000)	(\$20,000)
SECTION TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$0	\$0

See title page for effective date.

CHAPTER 249

H.P. 520 - L.D. 725

An Act To Require the Disclosure of Certain Financial Information from Hospitals and Their Affiliates

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

Sec. 1. 22 MRSA §1819-A is enacted to read:

§1819-A. Financial disclosure

Each hospital licensed under this chapter must annually publicly disclose:

1. IRS Form 990. The federal Internal Revenue Service Form 990, including all related disclosable schedules, for the hospital and for each tax-exempt entity related to the hospital that is required by federal law to file that form with the Internal Revenue Service; and

2. IRS Form 1120. The federal Internal Revenue Service Form 1120 for each for-profit entity in which the hospital has a controlling interest.

Information required to be disclosed under this section must be submitted by the hospital to the department within 5 months after the end of the hospital's fiscal year or within 5 months after the date on which the entity files the applicable form with the Internal Revenue Service. The department shall make available for public inspection and photocopying copies of all documents required by this section and

shall post those documents on the department's publicly accessible website.

See title page for effective date.

CHAPTER 250

H.P. 540 - L.D. 763

An Act Regarding the Collection, Use, Verification and Storage of Social Security Numbers

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

Sec. 1. 29-A MRSA §1301, sub-§5, as amended by PL 2001, c. 671, §24, is repealed.

Sec. 2. 29-A MRSA §1301, sub-§6, as enacted by PL 1997, c. 537, §59 and affected by §62, is repealed and the following enacted in its place:

6. Social security number. Notwithstanding any other provision of law, the social security number of any applicant for a license or nondriver identification card must be recorded on the application, and the Secretary of State may not issue a license or nondriver identification card to a person who does not possess and provide a valid social security number. The Secretary of State shall collect, store and verify the social security number of an applicant for a license or nondriver identification card and may use that number to establish a permanent license number or nondriver identification number. This subsection does not apply to a person who provides written proof to the Secretary of State that the person is ineligible to receive a social security number.

See title page for effective date.

CHAPTER 251

S.P. 439 - L.D. 1259

An Act To Sustain Maine Schools and Libraries

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

Sec. 1. 35-A MRSA §7104-B, sub-§3, ¶A, as enacted by PL 1999, c. 409, §2, is amended to read:

A. Limit the amount collected to no more than 0.5% 0.7% of retail charges for telecommunications services as determined by the commission, excluding interstate tolls or interstate private line services;

Sec. 2. Report; authority to report out legislation. By January 30, 2006, the Public Utilities Commission shall provide a report to the Joint Standing Committee on Utilities and Energy detailing the status of available revenues and expenditures, including federal funds, for the schools and libraries program supported by the telecommunications education access fund established under the Maine Revised Statutes, Title 35-A, section 7104-B. The Joint Standing Committee on Utilities and Energy may report out legislation to the Second Regular Session of the 122nd Legislature concerning the subject of the Public Utilities Commission report.

See title page for effective date.

CHAPTER 252

H.P. 463 - L.D. 630

An Act Regarding Possession of Prescription Drugs

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

Sec. 1. 17-A MRSA §1107-A, sub-§4 is enacted to read:

4. It is an affirmative defense to prosecution under subsection 1, paragraphs C to F that the person possessed a valid prescription for the scheduled drug or controlled substance that is the basis for the charge and that, at all times, the person intended the drug to be used only for legitimate medical use in conformity with the instructions provided by the prescriber and dispenser.

Sec. 2. 22 MRSA §2383-B, sub-§1, as amended by PL 1999, c. 127, Pt. A, §35, is further amended to read:

1. Lawfully prescribed drugs. A person to whom or for whose use any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate medical purpose by a physician, dentist, podiatrist, pharmacist or other person acting in the usual course of professional practice and authorized by law or rule to do so and the owner or the person having the custody or control of any animal for which any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate veterinary medical purpose by a licensed veterinarian acting in the usual course of professional veterinary practice may lawfully possess the drug or substance, except when in use, only in the container in which it was delivered by the person selling or dispensing the drug or substance. For purposes of this subsection, "when in use"