

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

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Sec. 1. 29-A MRSA §1301, sub-§5, as amended by PL 2001, c. 671, §24, is repealed.

Sec. 2. 29-A MRSA §1301, sub-§6, as enacted by PL 1997, c. 537, §59 and affected by §62, is repealed and the following enacted in its place: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

includes reasonable repackaging for more convenient legitimate medical use.

See title page for effective date.

CHAPTER 253

H.P. 942 - L.D. 1359

An Act To Amend the Maine Health Data Organization Statutes and To Extend the Operation of the Maine Health Data Processing Center

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

Whereas, the statute authorizing the Maine Health Data Processing Center will be repealed September 1, 2005 unless this bill takes effect prior to September 1, 2005; 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. 10 MRSA §691, as enacted by PL 2001, c. 456, §1, is amended to read:

§691. Repeal

This chapter is repealed September 1, ~~2005~~ 2009.

Sec. 2. 22 MRSA §8702, sub-§4, as amended by PL 2003, c. 469, Pt. C, §17 and c. 689, Pt. B, §6, is further amended to read:

4. Health care facility. "Health care facility" means a public or private, proprietary or not-for-profit entity or institution providing health services, including, but not limited to, a radiological facility licensed under chapter 160, a health care facility licensed under chapter 405 or certified under chapter 405-D, an independent radiological service center, a federally qualified health center, rural health clinic or rehabilitation agency certified or otherwise approved by the Division of Licensing and Certification within the Department of Health and Human Services, a home health care provider licensed under chapter 419, an assisted living program or a residential care facility licensed under chapter 464 1663, a hospice provider licensed under chapter 1681, a retail store drug outlet licensed under Title 32, chapter 117, a state institution

as defined under Title 34-B, chapter 1 and a mental health facility licensed under Title 34-B, chapter 1.

Sec. 3. 22 MRSA §8703, sub-§2, ¶A, as amended by PL 2003, c. 264, §1, is further amended to read:

A. The Governor shall appoint 18 board members in accordance with the following requirements. Appointments by the Governor are not subject to review or confirmation.

(1) Four members must represent consumers. For the purposes of this section, "consumer" means a person who is not affiliated with or employed by a 3rd-party payor, a provider or an association representing those providers or those 3rd-party payors.

(2) Three members must represent employers. One member must be chosen from a list provided by a health management coalition in this State.

(3) Two members must represent 3rd-party payors chosen from a list provided by a statewide organization representing 3rd-party payors.

(4) Nine members must represent providers. Two provider members must represent hospitals chosen from a list of ~~at least 5 current hospital representatives~~ provided by the Maine Hospital Association. Two provider members must be physicians or representatives of physicians, one chosen from a list of ~~at least 5 nominees~~ provided jointly by the Maine Medical Association and one chosen from a list provided by the Maine Osteopathic Association. One provider member must be a ~~chiropractor~~ doctor of chiropractic chosen from a list provided by a statewide chiropractic association. One provider member must be a representative, chosen from a list provided by the Maine Primary Care Association, of a federally qualified health center. One provider member must be a pharmacist chosen from a list provided by the Maine Pharmacy Association. One provider member must be a mental health provider chosen from a list provided by the Maine Association of Mental Health Services. One provider member must represent a home health care company.

Sec. 4. 22 MRSA §8703, sub-§3, as amended by PL 2001, c. 457, §6, is further amended to read: