

# 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**

**3. Description of methodology.** When reporting the ~~average wholesale price, wholesale acquisition cost, average manufacturer price and best price, a manufacturer of prescription drugs dispensed in this State shall also include a detailed description of the methodologies by which the prices were calculated~~ summary of its methodology. The department may accept the standards of the national drug rebate agreement entered into by the federal Department of Health and Human Services and Section 1927 of the Social Security Act, 42 United States Code, Section 1396r-8(c)(1)(C) for reporting pricing methodology or may adopt its own standards by rule.

**4. Certification.** When a manufacturer of prescription drugs dispensed in this State reports the ~~average wholesale price, wholesale acquisition cost, average manufacturer price or best price, the president or chief executive officer or chief officer of the manufacturer or an employee of the manufacturer in a position that reports directly to the chief executive officer or chief financial officer who has been delegated authority to sign~~ shall certify to the department, on a form provided by the commissioner, that the reported prices are accurate as of the date they are submitted.

**5. Confidentiality.** Except as provided in this subsection, all information provided to the commissioner by a manufacturer of prescription drugs under this section is confidential and may not be disclosed by any person or by the department to any person without the consent of the manufacturer. Disclosure may be made by the department to an entity providing services to the department under this section and such a disclosure does not change the confidential status of the information. The information may be used by the entity only for the work that is authorized or approved by the department. Disclosure may be ordered by a court for good cause shown or made in a court filing under seal unless or until otherwise ordered by a court. Nothing in this subsection limits the Attorney General's use of civil investigative demand authority under the Maine Unfair Trade Practices Act to investigate violations of this section.

**Sec. 4. 22 MRSA §2698-B, sub-§8** is enacted to read:

**8. Rulemaking.** The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective June 17, 2005.

## CHAPTER 403

### H.P. 719 - L.D. 1034

#### An Act To Prevent Lead Poisoning of Children and Adults

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

**Sec. 1. 22 MRSA §§1322-E and 1322-F** are enacted to read:

#### §1322-E. Lead Poisoning Prevention Fund

**1. Fund established.** The Lead Poisoning Prevention Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund for the purposes specified in this section.

**2. Sources of fund.** The fund is funded from all fees collected under section 1322-F and from other funds accepted by the commissioner or allocated or appropriated by the Legislature.

**3. Prevention purposes.** Allocations from the fund must be made for the following purposes:

A. Contracts for funding community and worker educational outreach programs to enable the public to identify lead hazards and take precautionary actions to prevent exposure to lead;

B. An ongoing major media campaign to fulfill the purposes of the educational and publicity program required by section 1317-B;

C. Measures to prevent children's exposure to lead, including targeted educational mailings to families with children that occupy dwellings built prior to 1978 with culturally appropriate information on the health hazards of lead, the identification of lead sources, actions to take to prevent lead exposure and the importance of screening children for lead poisoning;

D. Measures to prevent occupational exposures to lead for private and public employees, including improvements in the effectiveness of the occupational disease reporting system required in chapter 259-A in identifying and educating health care providers, employers and lead-exposed adults about occupational lead poisoning prevention strategies;

E. Funding an assessment of current uses of lead and the availability, effectiveness and affordability of lead-free alternatives; and

F. Funding for educational programs and information for owners of rental property used for residential purposes.

**4. Administration.** The Bureau of Health shall administer the fund allocations with the review and advice of an advisory board established by the department pursuant to section 1323. Preference must be given to programs that reach high-risk or underserved populations. The bureau may contract for professional services to carry out the purposes of this section.

**§1322-F. Lead poisoning prevention fee**

**1. Fee imposed.** Beginning July 1, 2006, a fee is imposed on manufacturers or wholesalers of paint sold in the State to support the Lead Poisoning Prevention Fund under section 1322-E. The fee must be imposed at the manufacturer or wholesaler level, in the amount of 25¢ per gallon of paint estimated to have been sold in the State during the prior year, as determined by rule adopted by the department.

**2. Rules.** By July 1, 2006, the department shall adopt rules to implement this section, including rules to determine which manufacturers or wholesalers of paint sold in the State are responsible for the fees imposed under subsection 1 and rules establishing the estimated number of gallons of paint sold in the State in the prior year for each manufacturer and rules determining the manner of payment. The rules must provide for waivers of payment for manufacturers and wholesalers of paint that is sold in low quantities in the State. The costs for development of these rules and for administration of the Lead Poisoning Prevention Fund must be reimbursed from the fees collected. The rules must specify that the first payment of fees is due by April 1, 2007. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Enforcement.** The Attorney General shall enforce payment of fees under this section through an action in Superior Court in Kennebec County and may collect costs and attorney's fees.

**4. Repeal.** This section is repealed July 1, 2011.

**Sec. 2. Appropriations and allocations.**

The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Lead Poisoning Prevention Fund**

Initiative: Provides a base allocation of \$500 beginning in fiscal year 2006-07 for the costs of the development of rules, the administration of the fund and allocations from the fund to be funded by fees authorized to be imposed for the purposes of the fund.

**OTHER SPECIAL REVENUE**

FUNDS	2005-06	2006-07
Unallocated	\$0	\$500

OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$0	\$500

See title page for effective date.

**CHAPTER 404**

**S.P. 446 - L.D. 1266**

**An Act Regarding Distribution of Information from the Central Voter Registration System**

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

**Sec. 1. 21-A MRSA §1, sub-§13,** as enacted by PL 1985, c. 161, §6, is amended to read:

**13. Distinguishing mark.** "Distinguishing mark" means a mark on a ballot of a type or in a place not specifically permitted by this Title, which indicates the apparent intent of the voter to make his the voter's ballot distinguishable in a manner that is fraudulent or inconsistent with an honest purpose. A stray mark on the ballot or mark made on or in the voting indicator or near the candidate's name or space for a write-in candidate that differs from the instructions at the top of the ballot is not a distinguishing mark unless it is of such a character or is made in such a manner that it manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose. Marking the write-in space on a ballot with the name of a fictitious person, a deceased person or a person from outside the State who could not be a candidate for that office is not a distinguishing mark unless it is made in such a manner that manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose.

**Sec. 2. 21-A MRSA §196** is enacted to read:

**§196. Use and distribution of central voter registration information**

For the purposes of Title 1, section 402, information contained electronically in the central voter registration system and any printed reports generated by the system that contain both the name of a voter and that voter's voter identification or voter record number are confidential and may be accessed only by municipal and state election officials except as provided in this section.

**1. Individual voter records.** An individual voter may obtain a copy of any information contained in that voter's record within the central voter registration system either from the registrar in the voter's municipality of residence or from the Secretary of