

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

this subchapter for the purposes of improving or ensuring the accuracy of current use assessment of working waterfront land.

See title page for effective date.

CHAPTER 610

H.P. 1392 - L.D. 1987

An Act To Increase Consumer Awareness of Prescription Drug Pricing

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

Sec. 1. 32 MRSA §13797 is enacted to read:

§13797. Prescription drug price information

A pharmacist or person acting at the direction of a pharmacist who is asked for consumer price information regarding prescription drugs shall provide to the consumer, on the telephone or in person, depending on the circumstances, the current usual and customary price for cash customers and, if reasonably obtainable by the pharmacist or person acting at the direction of the pharmacist, the price applicable to the consumer. A pharmacy shall post a notice to consumers informing them that they may obtain current usual and customary price information from the pharmacist.

Sec. 2. Basic prescription drug information. By January 1, 2007, the Governor's Office of Health Policy and Finance and the Department of Health and Human Services, Office of Elder Services shall convene a working group to discuss consumer access to prescription drug information and shall post on a publicly accessible website basic prescription drug information, including, but not limited to, locations and phone numbers of pharmacies in the State and information for consumers on obtaining current usual and customary price information.

See title page for effective date.

CHAPTER 611

H.P. 1494 - L.D. 2103

An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the State Board of Education under the State Government Evaluation Act

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

Sec. 1. 20-A MRSA §405, sub-§3, ¶U, as enacted by PL 1995, c. 395, Pt. J, §4 and amended by PL 2003, c. 545, §5, is further amended to read:

U. Review the organization of school administrative units statewide to identify current cooperative agreements between school administrative units. Cooperative agreements may include, but are not limited to: purchasing or contract agreements; administrative functions; shared staff and staff training; and technology initiatives. Based on the review, and in consultation with the department, the state board may ~~require~~ recommend that school administrative units develop and carry out a plan for a cooperative agreement with one or more other school administrative units. "Cooperative agreement" may include agreements between school administrative units and career and technical education regions and career and technical education centers; and

Sec. 2. 20-A MRSA §405, sub-§3, ¶V, as enacted by PL 1995, c. 395, Pt. J, §4, is amended to read:

V. Study school ~~consolidation~~ administrative unit configuration statewide, ~~develop a school consolidation plan that includes criteria for evaluating opportunities for consolidation and, if desirable, develop a time line for implementation.~~

See title page for effective date.

CHAPTER 612

S.P. 712 - L.D. 1795

An Act To Ensure the Long-term Capacity of Municipal Landfills

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

Sec. 1. 38 MRSA §1303-C, sub-§1-B is enacted to read:

1-B. Bypass. "Bypass" means any solid waste that is destined for disposal, processing or beneficial use at a solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility's malfunction, insufficient capacity, inability to process or burn, downtime or any other comparable reason. This subsection is repealed January 1, 2007.

Sec. 2. 38 MRSA §1303-C, sub-§6, as repealed and replaced by PL 1999, c. 525, §1, is amended to read:

6. Commercial solid waste disposal facility. "Commercial solid waste disposal facility" means a solid waste disposal facility except as follows:

A. A Beginning January 1, 2007, a solid waste facility owned by a public waste disposal corporation under section 1304-B, subsection 5 as long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;

A-1. Until January 1, 2007, a solid waste facility that is owned by a public waste disposal corporation under section 1304-B, subsection 5 as long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility and, if the facility is a solid waste landfill, that accepts only waste that is generated within the State. This paragraph is repealed January 1, 2007;

B. A Beginning January 1, 2007 a solid waste facility owned by a municipality under section 1305 as long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;

B-1. Until January 1, 2007, a solid waste facility that is owned by a municipality under section 1305 as long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility and, if the facility is a solid waste landfill, that accepts only waste that is generated within the State. This paragraph is repealed January 1, 2007;

C. A Beginning January 1, 2007, a solid waste facility owned by a refuse disposal district under chapter 17 as long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;

C-1. Until January 1, 2007, a solid waste facility that is owned by a refuse disposal district under chapter 17 as long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility and, if the facility is a solid waste landfill, that accepts only waste that is generated within the State. This paragraph is repealed January 1, 2007;

D. A Beginning January 1, 2007, a solid waste facility owned and controlled by the office under chapter 24;

D-1. Until January 1, 2007, a solid waste facility that is owned and controlled by the office under chapter 24 and, if the facility is a solid waste landfill, that accepts only waste that is generated within the State. This paragraph is repealed January 1, 2007;

E. A solid waste facility owned and controlled by a single entity that generates at least 85% of the solid waste disposed of at the facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis. For purposes of this paragraph, "single entity" means an individual, partnership, corporation or limited liability company that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph; or

F. A private corporation that accepts material-separated, refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

Until January 1, 2007, for purposes of this subsection, "waste that is generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State.

Sec. 3. 38 MRSA §1310-Q, as amended by PL 1989, c. 890, Pt. A, §40 and Pt. B, §245, is further amended to read:

§1310-Q. Transfer of license

1. Transfer. No person may transfer a license issued pursuant to this Title without the transfer of the license being approved by the department prior to transfer of the ownership of the property, facility or structure ~~which~~ that constitutes or is part of the solid waste disposal facility. The department, at its discretion, may require that the proposed new owner of the facility apply for a new license or may approve the transfer of the existing license upon a satisfactory showing that the new owner can abide its terms and conditions and will be able to comply with the provisions of this Title, except that the department may not approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity. The department shall consider the extent to

which the disposal facility was sited and developed and is currently operated to meet the capacity needs of municipalities within a specific geographic region. The department shall approve the transfer of license when, in addition to all other requirements of this Title, the applicant has demonstrated that:

- A. The facility will continue to be operated to meet the municipal disposal capacity needs for which the facility was sited and developed and for which it is currently operated;
- B. The applicant has made substantially equivalent, alternative provisions to satisfy these disposal capacity needs; or
- C. These disposal capacity needs no longer exist.

Sec. 4. Legislative findings. Maine's municipalities have the obligation to provide for the disposal of the solid waste generated by their citizens and businesses. Public waste disposal corporations and refuse disposal districts are formed by municipalities to provide for the disposal of the solid waste generated within the geographical boundaries of the participating municipalities. Municipal and public regional landfills, however, are becoming increasingly limited in capacity and expensive to Maine's people. The creation of new municipal and public regional landfills is often prohibitively expensive. The Legislature, in exercising its powers over municipalities, public waste disposal corporations and refuse disposal districts as instrumentalities and creations of the State, seeks to maximize the use of these landfills for the benefit of the people of the State and to prevent their potential diversion to uses by others. This law will ensure that municipal and public regional landfills are used for these public purposes.

See title page for effective date.

CHAPTER 613

H.P. 1262 - L.D. 1822

An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists

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

Sec. 1. 3 MRS §315-A is enacted to read:

§315-A. Registration docket; disclosure website

1. Registration. The commission shall prepare and maintain a docket for the registration of lobbyists

and employers of lobbyists required to register pursuant to this chapter. The registration docket and all supplementary files of information and materials filed pursuant to this chapter must be open to public inspection during the office hours of the commission. The docket must contain the name of the lobbyist and the person employing the lobbyist, the business address of each, the nature of the business of the person employing the lobbyist and a statement as to the compensation that the lobbyist will receive for lobbying services or, if an exact amount is not ascertainable, the basis upon which the lobbyist will charge for services. This docket must be updated on a monthly basis and arranged and indexed as follows:

A. An alphabetical listing of those persons who have employed a lobbyist, which listing must indicate the names of all lobbyists employed by the employer; and

B. An alphabetical listing of those persons employed as lobbyists, which listing must indicate the names of all persons by whom each lobbyist is employed.

The docket must be reestablished annually by the commission and the docket for any year must be maintained and be available for public inspection in the office of the commission for 4 years from the expiration of the docket.

2. Disclosure website. The commission shall develop and maintain a publicly accessible website that displays:

A. A list of all persons who have employed a lobbyist during the current year;

B. A list of all lobbyists and lobbyist associates registered for the year;

C. A profile of each registered lobbyist and lobbyist associate, including contact information, the name of the lobbyist's employer or employers and, if provided by the lobbyist or lobbyist associate, a photograph of the lobbyist or lobbyist associate;

D. A profile of each person employing a lobbyist, including contact information for the employer, and a list of lobbyists and lobbyist associates engaged by the employer; and

E. For each employer, a list of all legislative actions that have been the subject of lobbying for the year, including hyperlinks to the summary page of the Legislature's publicly accessible website for each legislative document listed.

See title page for effective date.
