

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

local cost of education in accordance with Title 20-A, section 15688, subsections 2 and 3 no later than fiscal year 2008-09. The Department of Education shall report the findings of this review, including any recommended legislation, to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2006. The Joint Standing Committee on Education and Cultural Affairs is authorized to introduce a bill related to the Department of Education report to the Second Regular Session of the 122nd Legislature.

Sec. 5. State valuation for Town of Lincoln. Notwithstanding the filing deadline set forth in the Maine Revised Statutes, Title 36, section 208-A, the Town of Lincoln may request a reduction in its state valuation under Title 36, section 208-A for the year 2004 based on the reduction in value of the Eastern Fine Paper plant in the town.

Sec. 6. General purpose aid for local schools; Town of Lincoln. Notwithstanding any other provision of law, the Commissioner of Education shall adjust the payments to the Town of Lincoln for general purpose aid for local schools in accordance with the 2004 state valuation amount of \$225,000,000 for fiscal year 2005-06. If any savings occur in fiscal year 2005-06 general purpose aid for local schools account, the appropriate amount of those savings must be applied to increase the general purpose aid for local schools allocation to School Administrative District No. 67 for fiscal year 2005-06. If insufficient savings occur in the fiscal year 2005-06 general purpose aid for local schools account, the appropriate increase in the general purpose aid for local schools allocation to School Administrative District No. 67 for 2005-06 must be applied as an audit adjustment to the general purpose aid for local schools allocation in fiscal year 2006-07.

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

Effective June 7, 2005.

CHAPTER 24

H.P. 1169 - L.D. 1658

An Act To Expand the Powers of the Stonington Sanitary District

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

Sec. 1. Stonington Sanitary District; additional powers. The Stonington Sanitary District, formed pursuant to the Maine Revised Statutes, Title 38, chapter 11 and referred to in this Act as "the

district," is granted additional powers, rights, privileges and obligations as provided in this Act. All authority and powers of the Stonington Sanitary District as previously granted continue in full force and effect.

Sec. 2. Territory. The district's territory is expanded to include the entire Town of Stonington.

Sec. 3. Trustees. The district consists of 7 trustees. Four of the trustees must be residents of the district and reside in households connected to the district's facilities, and 3 trustees must be residents of the district but need not use the district's facilities.

Sec. 4. Powers. In addition to the powers granted the district under the Maine Revised Statutes, Title 38, chapter 11, the district may implement seasonal rates. The district may also pump out, truck or treat septage and may finance and operate sand filters and other septic services for entities not connected to the district's facilities.

Sec. 5. Referendum. This Act takes effect 90 days after the adjournment of the legislative session in which it is enacted only for the purposes of permitting its submission to the legal voters within the district at an election called for that purpose or at a town meeting. The election or the meeting must be held by June 2006.

1. If the referendum is held at an election, the election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters.

The registrar of voters must be in session the 3 secular days preceding the election, of which the first 2 days must be devoted to registration of voters and the last day to verification of the list and completion of the records of the session by the registrar. The subject matter of this Act is reduced to the following question:

"Do you favor expanding the territory, establishing new qualifications for trustees and expanding the powers of the Stonington Sanitary District?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Stonington and due certificate of the results filed by the clerk with the Secretary of State.

2. If the referendum is held at a town meeting, the procedures of the Maine Revised Statutes, Title 30-A, section 2354 apply.

This Act takes effect for all purposes immediately upon its acceptance by a majority of the legal voters in the district if voting is held at an election or upon acceptance at a town meeting if voting is held at a town meeting. Failure to achieve the necessary approval by a majority of voters at any such election does not prevent a subsequent election or elections from being held for that purpose.

Effective pending referendum.

CHAPTER 25

S.P. 87 - L.D. 267

An Act To Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board

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

Sec. 1. Appropriations and allocations.

The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement 0352

Initiative: Allocates funds for one Manufactured Housing Inspector position and related All Other effective October 1, 2005.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$45,018	\$64,431
All Other	\$10,025	\$12,100
OTHER SPECIAL REVENUE FUNDS TOTAL	\$55,043	\$76,531

See title page for effective date.

CHAPTER 26

S.P. 406 - L.D. 1178

An Act Regarding Access to Prescription Drugs and Reimportation

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

**Sec. 1. Governor's Committee To Study
the Feasibility of Importation of Prescription
Drugs.** The Governor's Office of Health Policy and

Finance shall reconvene the Governor's Committee To Study the Feasibility of Importation of Prescription Drugs, referred to in this section as "the committee," and shall change the membership and the duties of the committee as follows.

1. The membership must be changed to ensure that the committee includes representatives of the following entities and interest groups: community pharmacies; the Maine Pharmacy Association; the Office of the Attorney General; consumers; organizations representing elderly persons; pharmacy benefit managers; insurance carriers; one Senator appointed by the President of the Senate and one member of the House of Representatives appointed by the Speaker of the House and representatives of the National Legislative Association on Prescription Drug Pricing; the Maine Medical Association; the Department of Health and Human Services, Bureau of Medical Services and Bureau of Elder and Adult Services; and the Department of Professional and Financial Regulation.

2. The duties must be changed to include developing a plan to prepare the State to implement drug reimportation upon approval of the Federal Government through federal legislation or approval of a waiver request. The plan must include the following:

A. Assessment of other state reimportation legislation and programs, including implementation, utilization, costs of administration and savings from utilization;

B. Analysis of the necessary steps to develop an Internet connection, link or website for pharmacies and wholesale providers of prescription drugs to uninsured or underinsured residents and a process for certifying those pharmacies and wholesale providers;

C. Development of procedures for ensuring the health and safety of participants in the reimportation program;

D. Review of relevant state laws and rules, including pharmacy licensing laws, and determination of necessary legislation; and

E. Assessment of other access, quality, safety and economic issues related to the design and operation of a reimportation program.

3. The Governor's Office of Health Policy and Finance must provide necessary staffing services to the committee.

4. The committee shall report to the Joint Standing Committee on Health and Human Services by January 15, 2006 or 30 days after the adjournment of the United States Congress, whichever occurs later.