

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

1. The easement must be 50 feet in width and must extend from the Hogan Road along the entire boundary line of Leo J. Davis's property that borders the Elizabeth Levinson Center property. The easement must be located so as to provide the greatest degree of safety to the persons served by the Elizabeth Levinson Center.

2. The easement is for the limited purpose of providing access from the Hogan Road and providing public utilities to the property owned by Leo J. Davis. The easement is conveyed upon the condition that the property owned by Leo J. Davis, his heirs or assigns, is used exclusively as a site for a single-family residence. In the event that there is a change in the use of the property owned by Leo J. Davis, his heirs or assigns, the easement becomes void, and access along the easement described in this resolve is denied to Leo J. Davis, his heirs or assigns.

3. The surface of the route of travel must be maintained in an orderly and attractive manner by and at the cost of Leo J. Davis, his heirs or assigns. In the event that the route of travel is not maintained in a reasonable manner and thereby detracts from the appearance of the Elizabeth Levinson Center grounds and facilities, the easement becomes void.

4. The Director of the Elizabeth Levinson Center may review the proposed easement for purposes of safety as it relates to the users of the Elizabeth Levinson Center and consult with the Commissioner of Administrative and Financial Services and Leo J. Davis with regard to any necessary changes to ensure the safety of the Elizabeth Levinson Center's users.

5. The easement subject to the provisions of this resolve may not be granted until a survey of the property across which the proposed easement is to be granted has been completed and filed with the Department of Administrative and Financial Services. The surveyor selected to undertake the survey must be mutually agreed upon by the Commissioner of Administrative and Financial Services and Leo J. Davis and, upon completion of the survey, the surveyor shall file a copy of the survey with the Commissioner of Administrative and Financial Services. The cost of the survey must be borne by Leo J. Davis.

6. The Commissioner of Administrative and Financial Services shall have an opinion of value prepared by an independent appraiser to determine the current market value of the easement. The Commissioner of Administrative and Financial Services shall transfer the easement upon such terms and conditions as are in the best interests of the State. Any proceeds from the transfer of the easement to Leo J. Davis must be deposited in an account to be determined by the Department of Health and Human Services, Deputy

Commissioner of Finance for the benefit of the Elizabeth Levinson Center; and be it further

Sec. 2. Repeal. Resolved: That this resolve is repealed 3 years after it takes effect.

See title page for effective date.

CHAPTER 33

H.P. 178 - L.D. 239

Resolve, To Develop a Partnership To Prevent, Identify and Treat Eating Disorders

Sec. 1. Eating disorders partnership. Resolved: That the Department of Health and Human Services shall convene an eating disorders work group to develop a partnership between the department and geographically representative hospitals throughout the State to prevent, identify and treat eating disorders, including leveraging current programs, initiatives and resources and disseminating information on eating disorders. The work group must include the Superintendent of Insurance or a designee of the superintendent and representatives of the department, the Maine Hospital Association, hospitals, medical centers and health care providers, consumers and their families and other interested parties; and be it further

Sec. 2. Report. Resolved: That the eating disorders work group shall report by November 2, 2005 to the Joint Standing Committee on Health and Human Services on inpatient and outpatient resources for preventing, identifying and treating eating disorders in persons of all ages.

See title page for effective date.

CHAPTER 34

H.P. 10 - L.D. 5

Resolve, To Study Initiatives To Increase Access to Dental Services for Children in the MaineCare Program

Sec. 1. Study to increase access to dental services for children in the MaineCare program. Resolved: That the Department of Health and Human Services shall convene a broadly representative working group to study initiatives to increase access to dental services for children in the MaineCare program. In convening the working group, the department shall invite representatives of dentists, dental hygienists, MaineCare members, the MaineCare Advisory Committee, the Governor's Office of Health

Policy and Finance and other interested parties. In the study, the working group shall review options for increasing access for children, including, but not limited to, increasing reimbursement to the provider of dental services for the first visit for a new patient, increasing reimbursement for providers of dental services who care for a large volume of MaineCare members, incentives for federally qualified health centers to provide or increase dental care and the possibility of the provider's directing MaineCare reimbursement to a deferred compensation or retirement plan. The department shall report on the results of the study by the working group by February 1, 2006 to the Joint Standing Committee on Health and Human Services.

See title page for effective date.

CHAPTER 35

H.P. 402 - L.D. 526

Resolve, Regarding the Recycling Assistance Fee

Sec. 1. Report. Resolved: That by January 30, 2007 the Department of Environmental Protection shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report concerning solid waste management program funding alternatives to the continued use of revenues derived from the \$1 fee on the retail sale of new tires pursuant to the Maine Revised Statutes, Title 36, section 4832. The report must be developed in consultation with the Executive Department, State Planning Office and with interested parties. The report must include, but is not limited to:

1. An evaluation of possible alternative funding mechanisms that may include new or revised fees on solid wastes, including special wastes, that are generated, disposed of or otherwise handled in this State; consumer products sold in this State; and solid waste facilities and licenses; and

2. Recommendations concerning alternative funding mechanisms, with preference given to those revenue source alternatives that are broad-based and are most likely to produce relatively stable, long-term program funding.

In evaluating alternative funding mechanisms, the Department of Environmental Protection shall consider potential effects on industries, businesses, municipalities, individuals and others and shall strive to propose funding sources and fee levels that are

related and generally proportional in amount to program efforts expended by the department.

See title page for effective date.

CHAPTER 36

H.P. 14 - L.D. 9

Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a provisionally adopted major substantive rule of the Department of Health and Human Services, Office of Substance Abuse that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized if the rule is amended to require audit review of the vendor for compliance with the terms of the contract regarding confidentiality of information concerning the prescription drug, prescriber, pharmacy, patient and dispenser.