

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

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.

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

Effective May 20, 2005.

CHAPTER 37

H.P. 803 - L.D. 1160

Resolve, To Increase Wetland Protection

Sec. 1. Tier 1 freshwater wetland alteration permitting; report. Resolved: That the Department of Environmental Protection shall evaluate the resources necessary to apply all the standards in the Maine Revised Statutes, Title 38, section 480-D to projects eligible for Tier 1 freshwater wetland review. The department's evaluation must include consideration of cumulative impacts, staff time, regulatory processing time, fees and the benefits of applying all the standards to Tier 1 review. The department shall report to the Joint Standing Committee on Natural Resources with any recommendations, including proposed legislation, by February 1, 2006. The department's recommendations may not jeopardize any current single permit review process. The Joint Standing Committee on Natural Resources is authorized to report out legislation related to the department's evaluation to the Second Regular Session of the 122nd Legislature; and be it further

Sec. 2. Freshwater wetland compensation proposal; report. Resolved: That the Department of Environmental Protection shall work with the Executive Department, State Planning Office and other interested parties to develop a proposal for a freshwater wetland compensation program for freshwater wetlands that require a Tier 1 review process, to review the wetlands exemptions contained in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 5-A and to recommend changes to ensure adequate protection of regulated freshwater wetlands. The Department of Environmental Protection shall report to the Joint Standing Committee on Natural Resources on its proposal and recommendations by February 1, 2006 and submit proposed legislation to implement the recommendations. The Joint Standing Committee on Natural Resources is authorized to report out legislation regarding the department's report to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 38

S.P. 329 - L.D. 989

Resolve, To Study the Insured Value Factor in School Tuition

Sec. 1. Task force to study the insured value factor in school tuition. Resolved: That the Department of Education shall convene a task force to study the current application of the insured value factor and assess the need for its continuation in tuition computation. The task force consists of 6 members as follows:

1. The Commissioner of Education or the commissioner's designee;
2. The Chair of the State Board of Education or a member of the board designated by the chair of the board;
3. A representative of a town academy that has a contract to receive students from a school administrative unit;
4. A representative from a town academy that does not have a contract to receive students from a school administrative unit; and
5. Two representatives of school administrative units that do not have a public high school.

The Chair of the State Board of Education or the member of the board designated by the chair of the board to serve on the task force shall serve as chair of the task force. Based on its review of the issues, the task force shall develop a proposal as to whether there is a need to retain the insured value factor in tuition computation; and be it further

Sec. 2. Submission of proposal. Resolved: That, no later than January 9, 2006, the chair of the task force convened pursuant to section 1 shall submit its proposal, along with any necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs is authorized to introduce a bill related to the insured value factor to the Second Regular Session of the 122nd Legislature.

See title page for effective date.
