

# 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**

that the parent will provide informed consent to their regional Child Development Services site that includes either an explanation of the option to remain in the Child Development Services System or the option to enroll in kindergarten and the specific free, appropriate public education services that are available in kindergarten.

2. The rule must be amended in the part designated "3. Fiscal Process" by amending the text in paragraph A to establish that the regional Child Development Services site will submit a copy of the individualized family service plan consistent with 34 Code of Federal Regulations, Section 300.342c or individualized education plan for each eligible child whose parent elects to receive services pursuant to this section to the Child Development Services State Office.

3. The rule must be amended by inserting after the part designated "3. Fiscal Process" a new part to establish that the parent of an eligible 5-year-old that has been unable to inform their regional Child Development Services site of their choice by May 1st can submit a request for consideration to the Child Development Services State Office by June 15th; and be it further

**Sec. 2. Finding. Resolved:** That the Legislature has determined that the portions of Chapter 180, subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th that are authorized for final adoption as provided in section 1 are consistent with the legislative intent of the requirements to continue to provide free and appropriate public education for certain 5-year-old children as enacted by Public Law 2003, chapter 676. The Department of Education is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule in accordance with this resolve.

See title page for effective date.

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## CHAPTER 80

H.P. 1161 - L.D. 1648

### **Resolve, Directing the Department of Inland Fisheries and Wildlife To Study the Feasibility of Establishing a Program To Assess Riverine Habitats in Maine**

**Sec. 1. Assessment. Resolved:** That the Department of Inland Fisheries and Wildlife shall determine the scope, structure, activities and costs of a program to assess habitats provided by rivers and

streams in Maine. The department shall report its findings and recommendations for coordinating restoration efforts concerning these habitats to the Joint Standing Committee on Inland Fisheries and Wildlife by January 2, 2006.

See title page for effective date.

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## CHAPTER 81

S.P. 373 - L.D. 1056

### **Resolve, To Amend the Rule-making Process for the State's Plumbing Code**

**Sec. 1. Adoption of code. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 32, section 3403-B, subsection 1 and Title 5, section 8072, the rules provisionally adopted by the Plumbers' Examining Board updating the plumbing code to the current version of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials are considered finally adopted.

See title page for effective date.

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## CHAPTER 82

S.P. 388 - L.D. 1126

### **Resolve, To Examine the Nontherapeutic Use of Antibiotics**

**Sec. 1. Commissioner of Agriculture, Food and Rural Resources and Director of Bureau of Health within Department of Health and Human Services to report on use of antibiotics. Resolved:** That the Commissioner of Agriculture, Food and Rural Resources, referred to in this resolve as "the commissioner," and the Director of the Bureau of Health within the Department of Health and Human Services, referred to in this resolve as "the director," shall examine ways to reduce the use of antibiotics in the animal industry with the goal of maintaining the therapeutic efficacy of antibiotics. The commissioner and the director shall convene a study group to review the use of antibiotics in animal agriculture, with particular attention to those antibiotics also used in human medicine. The study group may also make recommendations for future actions that encourage prudent use of antibiotics in human and animal care. The commissioner and the director shall invite participation as follows:

1. Representatives from a council of diverse statewide agricultural organizations;

2. A representative of an association of licensed veterinarians;
3. A medical specialist in infectious diseases;
4. A pediatrician;
5. A medical pharmacologist with expertise in antibiotics use;
6. An animal husbandry specialist from the University of Maine or the University of Maine Cooperative Extension;
7. A representative of a group of citizens or scientists concerned with the continued efficacy of antibiotics; and
8. The Director of the Division of Purchases within the Department of Administrative and Financial Services or the director's designee.

The commissioner and the director shall consult with the study group in preparing a report and developing recommendations; and be it further

**Sec. 2. Report. Resolved:** That, no later than January 15, 2006, the commissioner and director shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Health and Human Services. In their report, the commissioner and director shall summarize the discussions of the study group and present any recommendations for policy statements or actions by the State to address the issue of the efficacy of antibiotics in human medicine as it may be affected by the use of antibiotics in animal agriculture; and be it further

**Sec. 3. Authority to report out legislation. Resolved:** That the Joint Standing Committee on Agriculture, Conservation and Forestry may report out legislation to the Second Regular Session of the 122nd Legislature pertaining to the use of antibiotics in animal agriculture. The Joint Standing Committee on Health and Human Services may report out legislation to the Second Regular Session of the 122nd Legislature pertaining to the use of antibiotics in human medicine.

See title page for effective date.

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## CHAPTER 83

H.P. 437 - L.D. 604

### Resolve, Directing the Department of Health and Human Services To Study Initiatives for Local Pharmacies Participating in the MaineCare Program

**Sec. 1. Study of initiatives for local pharmacies. Resolved:** That the Department of Health and Human Services shall study access to drugs in state-sponsored programs and study initiatives for local pharmacies participating in the MaineCare program. The department shall involve interested parties, advocates and providers. The study of initiatives must include a study of telepharmacy in rural areas, copayments in the MaineCare program, MaineCare dispensing fees in local pharmacies, MaineCare shipping and handling requirements for specialty pharmacies and MaineCare policies for mail order and using local pharmacies with regard to maintenance medications, review and maximization of the rural pharmacy incentive program, first-time dispensing of medications, refill policies and 90-day dispensing of medications. The Department of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services by September 15, 2005 on the telepharmacy initiative and by January 15, 2006 on all initiatives.

See title page for effective date.

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## CHAPTER 84

H.P. 972 - L.D. 1408

### Resolve, Directing the Air Toxics Advisory Committee To Review the Status of Toxic Emissions from Waste-to-energy Facilities in the State and Recommend Actions Aimed at Reducing and Monitoring These Emissions

**Sec. 1. Provide emissions data. Resolved:** That the Department of Environmental Protection shall provide emissions data to the Air Toxics Advisory Committee that include information on emissions of hazardous air pollutants from Maine's 4 waste-to-energy facilities; and be it further

**Sec. 2. Subcommittee formed. Resolved:** That the Department of Environmental Protection shall form a subcommittee of the Air Toxics Advisory Committee to consider the toxic and other emissions