

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

ence a prescribing decision of a prescriber to prescribe a certain drug or that directs a patient to a certain pharmacy. Features of computer software that are prohibited include, but are not limited to, pop-up and other advertisements, instant messages and economic incentives that are triggered by or in specific response to a selection, act or other input or designation of pharmacy by the prescriber or an agent of the prescriber. This subsection does not apply to in-house equipment provided within a hospital for use by prescribers and the hospital pharmacy or to information provided to a prescriber about prescription drug formulary compliance, patient care management or pharmacy reimbursement.

See title page for effective date.

CHAPTER 363

H.P. 1014 - L.D. 1445

An Act To Define "Livable Wage"

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

Sec. 1. 26 MRSA §1-A is enacted to read:

§1-A. Livable wage defined

As used in this Title, unless the context otherwise indicates, "livable wage" means the statewide average livable wage for a 2-parent household with 2 earners and 2 children as reported by the Department of Labor in the most recent annual report required pursuant to section 1405.

Sec. 2. 26 MRSA §1405 is enacted to read:

§1405. Livable wages; calculation

1. Calculation. By December 31, 2007 and annually thereafter, the department shall calculate livable wages for households in the State's counties and metropolitan statistical areas by family size and as statewide averages by developing an annual basic needs budget for the following family sizes:

- A. Single person;
- B. Single parent and one child;
- C. Single parent and 2 children;
- D. Two parents, with one earner and 2 children; and
- E. Two parents, with 2 earners and 2 children.

By January 30, 2008 and annually thereafter, the department shall report the livable wages calculated pursuant to this subsection to the Legislature.

Sec. 3. Livable wage calculation. In calculating the livable wages pursuant to the Maine Revised

Statutes, Title 26, section 1405, the Department of Labor shall use the methodology set forth by the Maine Center for Economic Policy in the report entitled "Getting By: Maine Livable Wages in 2004."

See title page for effective date.

CHAPTER 364

S.P. 531 - L.D. 1508

An Act To Protect the Scenic Value of the Kennebec River

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

Whereas, this legislation needs to take effect immediately so that the banks of the Kennebec River will be preserved; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §403, sub-§7, as enacted by PL 1983, c. 458, §1, is amended to read:

7. Kennebec River. The Kennebec River from Bay Point in Georgetown to ~~the Father Curran Bridge in Augusta~~ its confluence with the Sebasticook River in Winslow and from the confluence of the Dead River with the Kennebec River up to, but not including, the Harris Dam in Indian Stream Township;

Sec. 2. 38 MRSA §490-D, sub-§5-A, ¶A, as enacted by PL 1995, c. 287, §11, is amended to read:

A. A natural buffer strip at least 100 feet wide must be maintained between the working edge of the excavation and the normal high water line of a great pond classified as GPA ~~or~~ a river flowing to a great pond classified as GPA or a segment of the Kennebec River identified in Title 12, section 403, subsection 7.

Sec. 3. 38 MRSA §490-Z, sub-§5, ¶A, as enacted by PL 1995, c. 700, §35, is amended to read:

A. A natural buffer strip at least 100 feet wide must be maintained between the working edge of the excavation and the normal high water line of a great pond classified as GPA ~~or~~ a river flowing to a great pond classified as GPA or a segment of the Kennebec River identified in Title 12, section 403, subsection 7.

Sec. 4. Report on gravel pit and quarry setbacks and buffers. The Department of Environmental Protection shall review the setback and buffer standards for excavations and quarries, including how setbacks and buffers for areas of steep slopes are addressed. The department shall submit a report of its findings and recommendations, including any necessary implementing legislation, to the Joint Standing Committee on Natural Resources by January 15, 2008. The committee may submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

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

Effective June 20, 2007.

CHAPTER 365

H.P. 1066 - L.D. 1541

An Act To Improve Child Support Services

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

Sec. 1. 19-A MRSA §2103, sub-§3-A is enacted to read:

3-A. Service fee. In the case of an individual who has never received assistance under a state program and for whom the State has collected at least \$500 in child support, the State shall impose an annual fee for each child support enforcement case that is:

A. Retained by the State from child support collected on behalf of the individual after the collected support exceeds \$500;

B. Paid by the individual applying for services;

C. Recovered from the noncustodial parent; or

D. Paid by the State out of its own funds. The annual fee may not be considered as an administrative cost of the State for operation of child support enforcement services and must be considered income to the program under which the individual has received child support enforcement services.

See title page for effective date.

CHAPTER 366

H.P. 1067 - L.D. 1542

An Act To Limit the Liability of Organized Clubs

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

Sec. 1. 14 MRSA §158-A, sub-§1, ¶A, as amended by PL 1991, c. 795, §1, is further amended to read:

A. "Charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State:

(1) That is exempt from federal income taxation under the United States Internal Revenue Code, Section 501(a), because it is described in Section 501(c)(3), (4), (6) as it pertains to chambers of commerce only, (10), (13) ~~or~~ (14)(A) or (19), including all subsequent amendments to those paragraphs. An organization is included in this subparagraph if it would be exempt from taxation under Section 501(c)(3) but for its engaging in attempting to influence legislation to the extent that it is disqualified from tax exemption under Section 501(c)(3); or

(2) That is:

(a) Organized under the Maine Non-profit Corporation Act for any of the purposes listed in Title 13-B, section 201, subsection 1, paragraph A;

(b) Organized under the provisions set forth in Title 13-B, section 201, subsection 2, paragraph A;

(c) Organized under the provisions of Title 13-B, section 201, subsection 3, paragraph D or E;

(d) Organized in Maine as a nonprofit corporation before January 1, 1978, for any of the purposes listed in Title 13-B, section 201, subsection 1, paragraph A, and to which the Maine Nonprofit Corporation Act applies; or

(e) Organized as a rural electrification cooperative under the provisions of Title 35-A, chapter 37.

This subparagraph applies to all subsequent amendments to the statutes covered by divisions (a), (b), (c), (d) and (e).

See title page for effective date.