LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
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(e) The sum of compensatory damages awarded under this subparagraph for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, other nonpecuniary losses and the amount of punitive damages awarded under this section may not exceed for each complaining party:

(i) In the case of a respondent who has more than 14 and fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $50,000;

(ii) In the case of a respondent who has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $100,000;

(iii) In the case of a respondent who has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year, ~~$200,000~~ $300,000; and

(iv) In the case of a respondent who has more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year, ~~$300,000~~ $500,000.

(f) Nothing in this subparagraph may be construed to limit the scope of, or the relief available under, 42 United States Code, Section 1981 (1994).

(g) If a complaining party seeks compensatory or punitive damages under this subparagraph, any party may demand a trial by jury, and the court may not inform the jury of the limitations described in division (e).

(h) This subparagraph does not apply to recoveries for a practice that is unlawful only because of its disparate impact.

(i) Punitive damages may not be included in a judgment or award against a governmental entity, as defined in Title 14, section 8102, subsection 2, or against an employee of a governmental entity based on a claim that arises out of an act or omission occurring within the course or scope of that employee's employment; and

(9) In addition to other remedies in subparagraphs (1) to (8), an order to pay actual damages in the case of discriminatory housing practices. This subparagraph is not intended to limit actual damages available to a plaintiff alleging other discrimination if the remedy of actual damages is otherwise available under this Act.

See title page for effective date.

CHAPTER 458

S.P. 108 - L.D. 336

An Act To Reauthorize the Community Preservation Advisory Committee

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

Sec. 1. 30-A MRSA §4350-A, as enacted by PL 2001, c. 648, §2, is amended to read:

§4350-A. Repeal date

This article is repealed June 1, ~~2008~~ 2012.

See title page for effective date.

CHAPTER 459

S.P. 578 - L.D. 1673

An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods

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

Sec. 1. 7 MRSA §712, sub-§8-A is enacted to read:

8-A. Home-based manufacturer of pet food. "Home-based manufacturer of pet food" means a person who manufactures 10 or fewer product names in that person's home and sells the products directly to consumers.

Sec. 2. 7 MRSA §714, as amended by PL 2005, c. 512, §§38 and 39, is further amended to read:

§714. Registration

1. Application for registration. A person may not distribute in this State a commercial feed, except a customer-formula feed, that has not been registered pursuant to this section. The application for registration must be submitted in the manner prescribed by the commissioner~~, and accompanied by an~~. The annual fee ~~of~~ is $80 per product name for pet food ~~and~~ except that the total annual fee for a home-based manufacturer of pet

food is $100. The annual fee is $80 per product name for all other commercial feed. Upon approval by the commissioner the registration must be issued to the applicant. All registrations expire on the 31st day of December. The commissioner may issue a registration for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee.

2. Fees. The commissioner shall deposit 1/2 of the fees collected pursuant to subsection 1 in the General Fund and 1/2 of the fees collected in the Animal Welfare Fund established under section 3906-B.

3. Refusal. The commissioner is empowered to refuse registration of any commercial feed not in compliance with this subchapter and to cancel any registration subsequently found not to be in compliance with any provision of this subchapter. Registration, refusal and cancellation ~~shall be considered rule-making~~ are rulemaking as that term is defined in the Maine Administrative Procedure Act and notice and opportunity for a hearing ~~shall~~ must be provided prior to refusal or cancellation in a manner consistent with the Maine Administrative Procedure Act. In any case, no registration ~~shall~~ may be refused or canceled, unless the registrant shall ~~have~~ has been given an opportunity to amend ~~his~~ the application in order to comply with the requirements of this subchapter.

4. Surcharge on registration of pet food. For each product name of pet food registered in accordance with subsection 1, the applicant shall pay a $20 surcharge in addition to the registration fee, except that a home-based manufacturer of pet food shall pay a total annual surcharge of $20. The commissioner shall deposit the surcharge into the Animal Welfare Fund established under section 3906-B, subsection 2.

See title page for effective date.

CHAPTER 460

H.P. 5 - L.D. 4

An Act To Amend the Prescription Privacy Law

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

Sec. 1. 22 MRSA §1711-E, as enacted by PL 2005, c. 589, §1, is amended to read:

§1711-E. Confidentiality of prescription drug information

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Carrier" has the same meaning as in Title 24-A, section 4301-A, subsection 3.

A-1. "Administrator" has the same meaning as in Title 24-A, section 1901, subsection 1.

A-2. "Detailing" means one-to-one contact with a prescriber or employees or agents of a prescriber for the purpose of increasing or reinforcing the prescribing of a certain drug by the prescriber.

B. "Electronic transmission intermediary" means an entity that provides the infrastructure that connects the computer systems or other electronic devices used by and between health care practitioners, prescribers, pharmacies, health care facilities ~~and,~~ pharmacy benefit managers ~~to,~~ carriers and administrators and agents and contractors of those ~~carriers and agents~~ persons and entities in order to facilitate the secure transmission of an individual's prescription drug order, refill, authorization request, claim, payment or other prescription drug information.

C. "Health care facility" has the same meanings as in section 1711-C, subsection 1, paragraph D.

D. "Health care practitioner" has the same meanings as in section 1711-C, subsection 1, paragraph F.

E. "Health plan" means a health plan providing prescription drug coverage as authorized under the federal Medicare Prescription Drug, Improvement and Modernization Act of 2003, Public Law 108-173.

F. "Individual" means a natural person who is the subject of prescription drug information.

F-1. "Marketing" means any of the following activities undertaken or materials or products made available to prescribers or to their employees or agents related to the transfer of prescription drugs from the producer or seller to the consumer or buyer:

(1) Advertising, publicizing, promoting or selling a prescription drug;

(2) Activities undertaken for the purpose of influencing the market share of a prescription drug or the prescribing patterns of a prescriber, a detailing visit or a personal appearance;

(3) Activities undertaken to evaluate or improve the effectiveness of a professional detailing sales force; or