

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

camp may receive training on how to administer asthma inhalers and epinephrine pens. Municipal employees and volunteers may possess and administer prescribed asthma inhalers and epinephrine pens in order to provide emergency aid.

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

Effective April 9, 2008.

CHAPTER 589

H.P. 1582 - L.D. 2216

An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality

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

Sec. 1. 38 MRSA §353-A, sub-§1-A, as enacted by PL 1993, c. 412, §2, is amended to read:

1-A. Annual fee surcharge. Beginning November 1, ~~1994~~ 2008, a licensee shall pay an annual fee surcharge of ~~\$10~~ \$2 per every 1,000 air quality units as defined in section 582, subsection 11-E. The minimum revenue threshold for the annual fee surcharge is established at \$1,250,000 per year. The commissioner may increase the annual fee surcharge to up to \$4 per every 1,000 air quality units if the annual revenue derived from this annual fee surcharge is less than \$1,250,000 per year. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2010 and every 2 years thereafter on any fee adjustment and the justification for the fee adjustment and the adequacy of the minimum revenue threshold and its ability to support the long-term sustainability of state air quality protection and improvement activities.

Sec. 2. 38 MRSA §353-A, sub-§3, as amended by PL 1993, c. 412, §3, is further amended to read:

3. Schedule. ~~The fee for existing licenses must be paid on the anniversary date of the license. This date, once established, remains the scheduled date for paying the annual fee, regardless of future changes of the anniversary date. The effective date of a license is deemed to be the anniversary date. The license fee for a license with an anniversary date in January, February or March must be paid by the end of February. The license fee for a license with an anniversary date in April, May or June must be paid by the end of May. The license fee for a license with an anniversary date in July, August or September must be paid by the end of August. The license fee for a license with an anniversary date in October, November or December must~~

~~be paid by the end of November. The annual fee for new applications must be estimated and paid at the time of filing the application. When the processing of the application is complete, the final annual fee is determined. Any additional amount is due prior to the issuance of the license. Any overpayment must be refunded. If the application is denied, 50% of the initial annual fee must be refunded. The effective date of the license becomes the anniversary date.~~

Sec. 3. 38 MRSA §353-A, sub-§8, as enacted by PL 1991, c. 384, §8 and affected by §16, is amended to read:

8. Nonpayment of fee. Failure to pay the annual fee within ~~30~~ 60 days of the anniversary date of a license is sufficient grounds for revocation of the license under section 341-D, subsection 3.

Sec. 4. 38 MRSA §582, sub-§11-D, as enacted by PL 1993, c. 412, §7 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

11-D. Toxicity score. ~~"Air quality Toxicity score" means a score given to a hazardous air pollutant by the Department of Health and Human Services based on the sum of qualitative scores, plus the standard deviation, in 4 categories: carcinogenicity, mutagenicity, reproductive effects and acute effects, Maine Center for Disease Control and Prevention.~~

Sec. 5. 38 MRSA §582, sub-§11-E, as enacted by PL 1993, c. 412, §7 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

11-E. Air quality units. ~~"Air quality units" means the result of the Department of Health and Human Services' toxicity score for a hazardous air pollutant multiplied by the estimated emissions of that hazardous air pollutant.~~

Sec. 6. 38 MRSA §589, sub-§2, as enacted by PL 1991, c. 384, §9 and affected by §16, is amended to read:

2. Stack tests. A person is not required to conduct stack tests for chlorine or chlorine dioxide more frequently than once every 5 years unless visible emissions, operating parameters or other information indicates the source may be operating out of compliance with any applicable emission standard or unless there are more stringent federal requirements. A person is not required to conduct stack tests for particulate matter on a source monitored by a continuous monitoring device for opacity as specified by 40 Code of Federal Regulations, Part 60, Appendix B, specification 1 or appropriate surrogate parameters as required by the commissioner more frequently than once every ~~2~~ 5 years unless visible emissions, operating parameters or ~~another cause~~ other information indicates the source may be operating out of compliance with any applicable emission standard or unless there are more stringent federal requirements. If visible emissions, operat-

ing parameters or other information indicates potential noncompliance with an air emission standard or if there are more stringent federal requirements, the department may require additional stack tests.

Sec. 7. Department of Environmental Protection to install air quality monitor in the Town of Bradley. The Department of Environmental Protection, or its designee, shall install, maintain and oversee one or more air quality monitors in the Town of Bradley for a period of no less than one year and no more than 2 years unless a violation of the laws governing ambient air standards is identified through such a monitor.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Maine Environmental Protection Fund 0421

Initiative: Allocates funds for the installation and maintenance of air quality monitors in the Town of Bradley.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Capital Expenditures	\$0	\$75,000
	\$0	\$75,000
OTHER SPECIAL REVENUE FUNDS TOTAL		

Sec. 9. Effective date. This Act takes effect November 1, 2008.

Effective November 1, 2008.

CHAPTER 590

H.P. 321 - L.D. 405

An Act Regarding MaineCare Pharmacy Professional Fees

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

Sec. 1. 22 MRSA §3194 is enacted to read:

§3194. Report on cost of dispensing medication

The Office of MaineCare Services within the department shall biennially review and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding the cost of dispensing a medication in the State. By July 1st of each even-numbered year, the

Office of MaineCare Services shall consider adjusting, through MaineCare rule amendment, the MaineCare pharmacy professional fee to reflect the cost of dispensing a medication in the State.

Sec. 2. MaineCare pharmacy professional fees. The Department of Health and Human Services, Office of MaineCare Services shall:

1. After implementation by the federal Centers for Medicare and Medicaid Services of the federal regulations setting new average manufacturer-price-based federal upper limits pursuant to the federal Deficit Reduction Act of 2005, review the projected impact of those regulations for fiscal years 2007-08 and 2008-09 on MaineCare pharmacy reimbursement for multiple source drugs. Within 90 days of implementation, the department shall report on the review to the joint standing committee of the Legislature having jurisdiction over health and human services matters; and

2. Within 15 days of the department's submitting the report under subsection 1 to the joint standing committee of the Legislature having jurisdiction over health and human services matters, adopt emergency rules that use any savings accruing to the MaineCare program from the new average manufacturer-price-based federal upper limits to adjust the professional fee paid to licensed pharmacies for dispensing multiple source drugs to MaineCare members. The purpose of this adjustment is to compensate pharmacies in the State for reimbursement projected to be lost throughout fiscal years 2007-08 and 2008-09 as a result of the new federal upper limits on MaineCare payments to pharmacies for multiple source drugs.

See title page for effective date.

CHAPTER 591

H.P. 1396 - L.D. 2012

An Act To Protect Children in Vehicles from Secondhand Smoke

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

Sec. 1. 22 MRSA §1549 is enacted to read:

§1549. Smoking in vehicles when minor under 16 years of age is present

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

A. "Motor vehicle" has the same meaning as in Title 29-A, section 101, subsection 42.