

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

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**Augusta, Maine**  
**2010**

(name of regional school unit) into regional school unit (name of regional school unit) as a participating municipality of that regional school unit subject to the terms and conditions of the agreement of transfer approved by the Commissioner of Education dated (insert date)?

Yes No"

A copy of the agreement must be posted with each warrant that directs the citizens to vote upon the question.

D. The article must be approved by a majority of votes cast in both regional school units and by a majority of votes cast in the municipality to be transferred before the agreement may take effect.

E. A complete certified record of the transaction involved in the transfer must be filed with the commissioner. The commissioner shall issue immediately a certificate of transfer to the secretaries of the regional school units by registered mail to be filed with the regional school unit boards involved and shall file a copy of the certificate of transfer in the office of the Secretary of State.

**3. Outstanding indebtedness.** Whenever a municipality is detached from a regional school unit having outstanding indebtedness, the municipality remains as part of the regional school unit from which it was detached for the purposes of paying its proper portion of the indebtedness until the indebtedness is redeemed. The municipality is not part of the regional school unit from which it was detached for the purpose of any outstanding indebtedness incurred subsequent to the date of the certificate of transfer.

For purposes of this subsection, "outstanding indebtedness" means bonds or notes issued or assumed by the regional school unit board and lease-purchase agreements issued or assumed by the regional school unit, but does not include any indebtedness of the detaching municipality assumed by the regional school unit at the time of formation.

**Sec. 11. 20-A MRSA §1468** is enacted to read:

**§1468. State board review of commissioner's decisions**

A regional school unit or other interested party may request that the state board reconsider decisions made by the commissioner under this subchapter. The state board has the authority to overturn decisions made by the commissioner. In exercising this power, the state board is limited by this subchapter.

**Sec. 12. 20-A MRSA §1472-C** is enacted to read:

**§1472-C. Term of office for elected directors**

Notwithstanding any other provision of this subchapter, a regional school unit board may place an article before the voters in the member municipalities of the regional school unit that would permit the regional school unit board to establish a single common date for beginning the term of office for duly elected directors when the board members are elected at the regular municipal election of the member municipalities and these municipal elections are held at different times.

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

Effective April 1, 2010.

**CHAPTER 581**

**H.P. 940 - L.D. 1339**

**An Act To Improve Oversight of Pharmaceutical Purchasing**

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

**Sec. 1. 22 MRSA §2699, sub-§4,** as enacted by PL 2003, c. 456, §1, is amended to read:

**4. Enforcement.** A violation of this section is a violation of the Maine Unfair Trade Practices Act, for which a fine of not more than \$10,000 may be adjudged. Nothing in this section limits the authority of the Superintendent of Insurance under Title 24-A.

**Sec. 2. 22 MRSA §2699, sub-§6** is enacted to read:

**6. State contracts.** The State Auditor shall work with the Department of Administrative and Financial Services and other state agencies that are covered entities, including, but not limited to, the group health plan established pursuant to Title 5, section 285, that purchase prescription drugs to ensure compliance of a pharmacy benefits manager with the requirements of this section. The State Auditor shall develop appropriate audit procedures that may be used by the State to determine if a pharmacy benefits manager and a pharmacy benefits management contract entered into by the State meet the requirements of this section and other laws applicable to pharmacy benefits. Nothing in this subsection provides the State Auditor with authority over requirements in Title 24-A relating to pharmacy benefits managers.

**Sec. 3. 24-A MRSA §601, sub-§28** is enacted to read:

**28. Pharmacy benefits manager.** Pharmacy benefits manager registration fees may not exceed:

- A. Original issuance fee, \$100; and
- B. Annual renewal fee, \$100.

Sec. 4. 24-A MRSA §1913 is enacted to read:

**§1913. Registration of pharmacy benefits managers**

Beginning April 1, 2011, a person may not act as a pharmacy benefits manager as defined in Title 22, section 2699, subsection 1, paragraph F in this State without first paying the registration fee required under section 601, subsection 28. The superintendent may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to administer and enforce the registration requirements of this section. The superintendent may enforce this section under sections 220 and 223 and other provisions of this Title.

See title page for effective date.

**CHAPTER 582**

**H.P. 1186 - L.D. 1685**

**An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine**

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

**Sec. 1. 8 MRSA §522, sub-§7**, as enacted by PL 2009, c. 352, §2, is amended to read:

**7. Revenue and expenditures.** The board may receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise, in accordance with rules adopted pursuant to sections 523 and 524. The authority may apply for, solicit and receive grants, donations and gifts and may receive appropriations from the State and funds from other governmental authorities. All funds received must be spent solely to assist with operational expenses in furtherance of the purpose of the authority. The board may enter into contracts to obtain the assistance of staff sufficient to support operations of the board.

**Sec. 2. 8 MRSA §523**, as enacted by PL 2009, c. 352, §2, is amended to read:

**§523. Powers of authority**

In furtherance of its purpose, the authority shall, no later than ~~March 1~~ October 15, 2010:

**1. Rules.** Adopt rules to protect the health and safety of authorized participants and the integrity of competition, as well as to establish a certification process authorizing participation in a mixed martial arts competition, exhibition or event and set the fee

schedules for all authorized participants. A certificate authorizing participation in a mixed martial arts competition, exhibition or event may be issued for one year or such other time period as may be fixed by rule under this chapter. The board may establish requirements to ensure that a mixed martial arts competition, exhibition or event is not conducted unless a promoter's fee has been paid and that each competitor has been examined by a physician who has certified the competitor's fitness to participate in the mixed martial arts competition, exhibition or event. Rules adopted pursuant to this subsection are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A. The authority's rules must include, but are not limited to, the following:

- A. Rules of competition, weighing of participants and scoring of decisions;
- B. Length of contests and rounds;
- C. Availability of medical services, including a requirement that a physician be present during a mixed martial arts competition, exhibition or event;
- D. Age limits, which must include a minimum age of not less than 18 years;
- E. Weight limits and classification of participants;
- F. Physical condition of participants;
- G. Qualifications of referees and other authorized participants;
- H. Uniforms, attire, safety gear and equipment of authorized participants;
- I. Specifications of facilities and equipment; and
- J. Requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants. This coverage must comply with standards prescribed by the Superintendent of Insurance; ~~and.~~

~~**2. Other action.** Take all other lawful action necessary and incidental to its purposes.~~

**Sec. 3. 8 MRSA §528**, as enacted by PL 2009, c. 352, §2, is repealed.

**Sec. 4. 8 MRSA §529** is enacted to read:

**§529. Powers of board**

**1. Inspections and investigations.** The board may enter and inspect the premises where a martial arts competition, exhibition or event is to be conducted and question persons present and review documents to the extent it considers necessary to determine whether the event is in accordance with this chapter and rules adopted under this chapter.