

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

- 2. Maine Grocers Association;
- 3. Maine Merchants Association;
- 4. Maine Oil Dealers Association;
- 5. Maine State Chamber of Commerce;
- 6. Natural Resources Council of Maine;
- 7. American Chemistry Council;
- 8. A grocery chain with a large number of stores in the State;
- 9. A retail store chain with a large number of stores in the State; and
- 10. Other entities as appropriate; and be it further

Sec. 3. Duties. Resolved: That the work group shall:

- 1. Assess existing recycling infrastructure capacities within the State;
- 2. Design a regional pilot program that includes an assessment of current state law governing waste reduction, including, in particular, an assessment of technical assistance available to municipalities and businesses in those municipalities;
- 3. Create a memorandum of understanding with guiding principles, recycling goals and benchmarks for the overall reduction of disposable checkout bag distribution and waste;
- 4. Design a statewide promotional media campaign; and
- 5. Identify funding needs, resources and partners; and be it further

Sec. 4. Existing resources. Resolved: That the duties described in section 3 must be completed within existing resources of the Executive Department, State Planning Office; and be it further

Sec. 5. Report; authority to submit legislation. Resolved: That, by January 15, 2010, the work group shall submit a report relating to the subject matter of this resolve to the Joint Standing Committee on Natural Resources. The report must include findings, recommendations and draft legislation to implement the recommendations. The Joint Standing Committee on Natural Resources may report out legislation relating to the report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 55

H.P. 809 - L.D. 1170

Resolve, Directing the Secretary of State To Report on the Accuracy of Election Results

Sec. 1. Secretary of State to examine recent election recounts. Resolved: That the Secretary of State shall examine the results of at least 20 recent election recounts and compare those results with the original vote totals announced for those elections. The Secretary of State shall include in this examination elections that were conducted using electronic vote tally machines and elections in which the ballots were hand-counted; and be it further

Sec. 2. Report. Resolved: That the Secretary of State shall issue a report to the Joint Standing Committee on Legal and Veterans Affairs no later than February 15, 2010 based on the examination under section 1 that lists the election night vote tally versus the recount vote tally for the elections examined. The report must include any reasons discovered for discrepancy, including failure to properly follow post-election procedures. The report must make recommendations and suggest legislation that would establish a formal system for comparing election night vote tallies to recount vote tallies to provide ongoing information regarding the accuracy of election results in the State. The Joint Standing Committee on Legal and Veterans Affairs is authorized to report out legislation to the Second Regular Session of the 124th Legislature based on the information received in the report.

See title page for effective date.

CHAPTER 56

S.P. 441 - L.D. 1193

Resolve, To Establish Uniform Protocols for the Use of Controlled Substances

Sec. 1. Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances. Resolved: That the Board of Licensure in Medicine shall convene a group of stakeholders, including but not limited to representatives from the State Board of Nursing, the Board of Osteopathic Licensure, the Board of Dental Examiners, the Maine Board of Pharmacy, the State Board of Veterinary Medicine and the Board of Licensure of Podiatric Medicine and the Director of the Office of Substance Abuse within the Department of Health and Human Services, to develop common protocols for the use and

administration of controlled substances, as defined in the Maine Revised Statutes, Title 22, section 7246, for use by licensed prescribers. The protocol must be developed no later than February 1, 2010. The Board of Licensure in Medicine shall notify the Joint Standing Committee on Business, Research and Economic Development of the protocol. The joint standing committee is authorized to submit legislation regarding the protocol to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 57

H.P. 698 - L.D. 1010

Resolve, To Require the Department of Environmental Protection To Review Emerging Technologies and the Laws Regarding Incinerators

Sec. 1. Task force; report; authority to submit legislation. Resolved: That the Department of Environmental Protection shall review whether facilities using emerging waste-to-energy technologies that provide environmental and energy benefits should be excluded from the statutory ban on the establishment of new commercial incinerators under the Maine Revised Statutes, Title 38, section 1310-X. The department shall establish a task force to advise the department on matters relating to the review. By January 5, 2010, the department shall submit a report, including its findings, recommendations and, if needed, legislation implementing the recommendations, to the Joint Standing Committee on Natural Resources. The committee may submit legislation relating to the report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 58

H.P. 733 - L.D. 1066

Resolve, Directing the Board of Trustees of the Maine Criminal Justice Academy To Amend Its Minimum Standards for the Law Enforcement Use of Force Policy

Sec. 1. Board of Trustees of the Maine Criminal Justice Academy to amend its minimum standards for the law enforcement use of force policy. Resolved: That the Board of Trustees of the Maine Criminal Justice Academy is di-

rected to amend its minimum standards for the use of force policy relative to the procedure for agency investigation and review of the use of deadly force to include, at a minimum, the convening of an incident review team consisting of members appointed by the chief executive officer of each law enforcement agency. Members appointed must include at least one member who is a commissioned officer of the Maine State Police and at least one member of the public who is not and has not previously served as a sworn law enforcement officer. The incident review team shall review the use of deadly force to determine the facts of an incident, whether relevant policy was clearly understandable and effective to cover the particular situation and whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety, whether training protocols should be reviewed or revised and whether equipment or other resources should be modified. The incident review team shall generate a written report of its findings, and that report is public as provided under the Maine Revised Statutes, Title 5, section 7070-A and Title 30-A, section 503, subsection 1-A and Title 30-A, section 2702, subsection 1-A; and be it further

Sec. 2. Reporting date established. Resolved: That the Board of Trustees of the Maine Criminal Justice Academy shall report about the implementation of the changes to the use of deadly force policy and the work of the incident review teams under section 1 to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 15, 2011. The report must include at least the following information: an update on law enforcement agency compliance and implementation of the policy change, the number of incidents where an officer used deadly force, the number of incident review teams that were convened to review instances of the use of deadly force, the number of reports generated by incident review teams and the availability of those reports.

See title page for effective date.

CHAPTER 59

S.P. 402 - L.D. 1084

Resolve, To Improve Continuity of Coverage for Participants in Medicare Advantage Plans

Sec. 1. Bureau of Insurance to amend eligibility rules for Medicare. Resolved: That the Department of Professional and Financial Regulation, Bureau of Insurance shall amend Bureau of Insurance Rule Chapter 275 to extend from one year to 3 years the period during which a Medicare beneficiary who is enrolled in a Medicare Advantage plan and returns to