

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

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

original Medicare has the right to enroll in a standardized Medicare supplement plan. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 60

S.P. 141 - L.D. 399

Resolve, To Establish a Working Group To Increase Child Support Collections

Sec. 1. Working group to increase child support collections. Resolved: That the Department of Health and Human Services, office of integrated access and support, division of support enforcement and recovery shall convene a working group of interested parties to establish a process to collect child support debts through a gambling payment intercept. The division shall submit a report to the Joint Standing Committee on Judiciary no later than January 15, 2010 containing the recommendations, including proposed legislation, of the working group. The report must include a discussion of the feasibility and cost-effectiveness of the proposed process, the administrative burden that may be placed on gambling licensees and gambling facilities and any other issues. The Joint Standing Committee on Judiciary may submit legislation to the 124th Legislature in 2010 based on the report.

See title page for effective date.

CHAPTER 61

H.P. 405 - L.D. 567

Resolve, To Establish a Working Group To Increase Protection for Victims of Domestic Violence

Sec. 1. Working group to increase protection for victims of domestic violence. Resolved: That the Department of Corrections shall convene a working group of interested parties to establish a process to assess dangerousness and more effectively monitor those who commit domestic violence crimes. The working group shall review other states' existing electronic monitoring and offender management programs, determine accurate costs and program management needs and identify possible pilot sites in the State. The department shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2010 contain-

ing the recommendations, including proposed legislation, of the working group. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report.

See title page for effective date.

CHAPTER 62

S.P. 434 - L.D. 1186

Resolve, To Facilitate the Creation and Expansion of an Identified Business Sector

Sec. 1. Removal of regulatory barriers for identified business sector. Resolved: That the Department of Economic and Community Development shall identify a business sector in this State, such as wind power development or aquaculture, and convene a working group of representatives of that identified sector. The working group shall identify problems in the regulatory process that impede the development or expansion of that business sector. Following identification of the impediments, the working group shall consult with the agencies in charge of regulation of that industry and coordinate feedback from the Executive Department, State Planning Office, Maine Regulatory Fairness Board to determine solutions, including streamlining the regulatory process, to those identified impediments.

The department shall submit a report of its findings and recommendations, along with legislation necessary to overcome the identified impediments, no later than December 15, 2009 to the Joint Standing Committee on Business, Research and Economic Development. The joint standing committee may submit legislation to the Second Regular Session of the 124th Legislature based on the recommendations of the department's report.

See title page for effective date.

CHAPTER 63

S.P. 267 - L.D. 692

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Develop Best Management Practices for Poultry Production

Sec. 1. Commissioner of Agriculture, Food and Rural Resources to develop best management practices for poultry production. Resolved: That the Commissioner of Agriculture, Food