

# 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**

**CHAPTER 184**  
**H.P. 1288 - L.D. 1802**

**Resolve, Directing the Right To  
Know Advisory Committee To  
Examine Issues Related to  
Private Information Contained  
in the Communications of  
Public Officials**

**Sec. 1. Electronic and other communications. Resolved:** That the Right To Know Advisory Committee, established under the Maine Revised Statutes, Title 1, section 411, shall examine issues relating to the protection of private information contained in electronic and other communications that are sent and received by public officials, particularly communications between elected public officials and their constituents. The advisory committee shall consider confidentiality requirements related to Legislators' oversight responsibilities. The advisory committee shall also consider appropriate warnings for public officials to provide with regard to communications that are or may be public records. The advisory committee shall submit a report containing its findings and recommendations with suggested legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than November 30, 2010.

See title page for effective date.

**CHAPTER 185**  
**H.P. 1255 - L.D. 1765**

**Resolve, Regarding Legislative  
Review of Chapter 348:  
Poultry Slaughter and  
Processing with  
Grower/Producer  
Exemption, a Major  
Substantive Rule of the  
Department of Agriculture,  
Food and Rural Resources**

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended to include requirements for the humane handling and slaughter of poultry.

The Commissioner of Agriculture, Food and Rural Resources is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective March 31, 2010.

**CHAPTER 186**  
**H.P. 1279 - L.D. 1791**

**Resolve, Directing the Right To  
Know Advisory Committee To  
Further Examine  
Requirements That Public  
Bodies Keep Records of Public  
Proceedings**

**Sec. 1. Records of public proceedings. Resolved:** That the Right To Know Advisory Committee, established under the Maine Revised Statutes, Title 1, section 411, shall further examine issues related to requiring public bodies to keep records of public proceedings. The issues to be examined must include the form and maintenance of the records to be kept, including how soon the records must be available and how long the records must be retained, the appropriate contents of the records, whether failure to comply with records requirements results in the invalidation of action taken by the public body and other related issues. The advisory committee shall submit a report containing its findings and recommendations to the joint standing committee of the Legislature having

jurisdiction over judiciary matters no later than February 15, 2011.

See title page for effective date.

## CHAPTER 187

H.P. 1296 - L.D. 1812

### **Resolve, Regarding Legislative Review of Chapter 37: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 37: Voluntary Municipal Farm Support Program, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 31, 2010.

## CHAPTER 188

S.P. 644 - L.D. 1672

### **Resolve, Regarding the Dispensing of Antiepileptic Drugs**

**Sec. 1. Study. Resolved:** That the Maine Board of Pharmacy, the Governor's Office of Health Policy and Finance, the Board of Licensure in Medicine and the Department of Health and Human Services, Office of MaineCare Services shall each designate one or more officials to conduct a study for the purpose of examining substitution within the antiepileptic class of drugs, current state laws governing substitutions generally, the powers available to prescribers under current substitution laws and whether there is a need to grant any additional powers to prescribers in this State for any one class of drugs. This study must take into account the findings and opinions on this topic of the United States Food and Drug Administration and the American Medical Association and within any statistically valid peer-reviewed research in this area. The study group shall submit its findings in a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 15, 2011.

See title page for effective date.

## CHAPTER 189

H.P. 1063 - L.D. 1514

### **Resolve, To Promote Efficiency and To Streamline Access to the Circuitbreaker Program Application Process**

**Sec. 1. Examine efficiencies. Resolved:** That the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Health and Human Services, office of integrated access and support shall jointly examine the potential for gaining administrative efficiencies and reducing the burden on applicants applying for the Maine Residents Property Tax Program, also known as the Circuitbreaker Program. The bureau and the office shall determine whether improvements are possible through use of the Department of Health and Human Services' Automated Client Eligibility System, which currently collects and maintains verified eligibility information for low-income persons for a variety of public programs, and whether the system could be used to determine eligibility for the Circuitbreaker Program, eliminating the redundant application and verification efforts currently undertaken by the 2