

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.

Augusta, Maine
2010

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

agencies with regard to common clients and saving administrative resources by providing a simpler "one-stop-shopping" application process for claimants; and be it further

Sec. 2. Report. Resolved: That the bureau and the office shall jointly report their findings under section 1, including any costs associated with combining the application processes, to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 15, 2011.

See title page for effective date.

CHAPTER 190

H.P. 1116 - L.D. 1578

Resolve, To Direct the Public Utilities Commission and the Public Advocate To Account for Certain Resource Expenditures

Sec. 1. Accounting by Public Utilities Commission and Public Advocate of allocation of certain resources. Resolved: That the Public Utilities Commission and the Public Advocate shall, beginning no later than July 1, 2010, separately account for and track resources devoted to matters related to providers of communications services that are not subject to assessments pursuant to the Maine Revised Statutes, Title 35-A, section 116. The Public Utilities Commission and the Public Advocate shall establish reasonable and practical categories of such providers and shall account for resources devoted to each identified category. To the extent practical, the Public Utilities Commission and the Public Advocate shall identify in the accounting each individual provider to which resources were devoted, the type of proceeding or action to which the resources were devoted and the role of the provider in that proceeding or action. For purposes of this resolve, "providers of communications services" includes, but is not limited to, a wireline voice, satellite, data, fixed wireless data or video retail service provider; a facilities-based provider of wireless voice or data retail service; or any other provider of communications services; and be it further

Sec. 2. Report. Resolved: That the Public Utilities Commission and the Public Advocate shall report their accounting under section 1 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 together with any recommendations regarding

the practicality of subjecting any providers of communications services to assessments pursuant to the Maine Revised Statutes, Title 35-A, section 116.

See title page for effective date.

CHAPTER 191

H.P. 1136 - L.D. 1608

Resolve, Directing the Commissioner of Professional and Financial Regulation To Study the Complaint Resolution Process

Sec. 1. Commissioner of Professional and Financial Regulation directed to study procedural changes in the complaint resolution process. Resolved: That the Commissioner of Professional and Financial Regulation, in consultation with interested parties including the Maine Regulatory Fairness Board, shall conduct a study of the need to establish protocols for the resolution of complaints made to occupational and professional licensing boards within and affiliated with the Department of Professional and Financial Regulation; and be it further

Sec. 2. Reporting date established. Resolved: That the Commissioner of Professional and Financial Regulation shall submit any recommendations from the study under section 1 to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2011.

See title page for effective date.

CHAPTER 192

H.P. 1249 - L.D. 1755

Resolve, To Review Sales of Dairy Products

Sec. 1. Commissioner of Agriculture, Food and Rural Resources directed to examine sales of dairy products. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall, within existing resources, convene a working group to study the feasibility of extending a handling fee to or initiating a sales tax on dairy products other than fluid milk. The commissioner shall invite dairy farmers, milk processors, retail grocers, an economist with expertise in marketing and a representative of the Department of Administrative and Financial Services,