

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

I. The Commissioner of Conservation or the commissioner's designee.

The director is the chair of the council. The Commissioner of Defense, Veterans and Emergency Management is the advisor of the council. Commissioner designees must be uniformed law enforcement personnel.

See title page for effective date.

CHAPTER 530

H.P. 1289 - L.D. 1748

An Act To Conform the Maine Tax Laws for 2011 to the United States Internal Revenue Code

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

Whereas, state tax law needs to be updated to conform to federal law before the 90-day period expires to avoid delay in the processing of income tax returns for 2011; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §111, sub-§1-A, as amended by PL 2011, c. 1, Pt. P, §1 and affected by §2, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~2010~~ 2011.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 2011 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2011.

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

Effective March 18, 2012.

CHAPTER 531

S.P. 534 - L.D. 1624

An Act To Lessen the Regulatory Burden on Medical Laboratories by Removing Outdated Requirements from the Maine Medical Laboratory Act

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

Sec. 1. 22 MRSA §2016, first ¶, as amended by PL 1991, c. 528, Pt. J, §1 and affected by Pt. RRR and amended by c. 591, Pt. J, §1, is further amended to read:

Application must be made on a form prescribed by the department. Licenses must be issued to perform testing in one or more of the following categories or specialties: ~~Histocompatibility~~ Histocompatibility; microbiology, including subcategories bacteriology, mycology, parasitology, virology; immunology or serology, including subcategories syphilis and non-syphilis; chemistry, including subcategories routine, clinical microscopy or urinalysis and other, including toxicology; hematology, including coagulation; immunohematology, including subcategories blood group and Rh typing, Rh titers, cross matching, antibody detection and identification; pathology, including subcategories tissue, oral, diagnostic cytology; and radioassay. All applications must be accompanied by a license application fee. The application ~~must be notarized and~~ must contain the following information:

Sec. 2. 22 MRSA §2031-A is enacted to read:

§2031-A. Itemized billing statements

A medical laboratory that performs services under this Act shall send an itemized billing statement to the patient.

Sec. 3. 22 MRSA §2032, as repealed and replaced by PL 1975, c. 218, is repealed and the following enacted in its place:

§2032. Specimens

The following persons may collect or process specimens: licensed health care professionals; designees of licensed health care professionals acting within their scope of practice; and qualified medical laboratory personnel who are authorized by the director of the medical laboratory.

Sec. 4. 22 MRSA §2033, as repealed and replaced by PL 1975, c. 218, is amended to read:

§2033. Rebates or fee splitting prohibited

The owner or director of a laboratory licensed under this Act, either personally or through an agent,

~~shall~~ may not practice in any manner ~~which~~ that offers or implies to offer rebates to persons submitting specimens or other fee splitting inducements; or participate in any fee splitting arrangement. This applies to contents of fee schedules, billing methods or personal solicitation. The contractual provision of laboratory services for a fixed fee independent of the number of specimens submitted for such services is declared to be a violation of this section. ~~A copy of the itemized statement shall be sent to the patient.~~

See title page for effective date.

CHAPTER 532

S.P. 598 - L.D. 1741

An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws

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

Sec. 1. 12 MRSA §8878-A, as enacted by PL 1997, c. 720, §13, is repealed.

Sec. 2. 12 MRSA §8879, as amended by PL 2005, c. 683, Pt. A, §15, is further amended to read:

§8879. Report on the state of the State's forests

The director shall publish a ~~biennial~~ report on the state of the State's forests every 5 years. The director must submit a copy of the report to the joint standing committee of the Legislature having jurisdiction over forestry matters by January 1st of ~~odd-numbered~~ every 5 years beginning January 1, ~~1999~~ 2016.

1. Content. The report must describe the condition of the State's forests based on historical information and information collected and analyzed by the bureau for the ~~biennium~~ 5-year period. The report must provide an assessment at the state level of progress in achieving the standards developed pursuant to section 8876-A, including progress of the outcome-based forestry experiment authorized under section 8003, subsection 3, paragraph Q. The director shall also provide observations on differences in achieving standards by landowner class. The report must summarize importing and exporting of forest products for foreign and interstate activities. The director shall obtain public input during the preparation of the report through ~~public hearings and other~~ appropriate methods.

1-A. Report on changes in ownership of forest land. Using information received under Title 36, section 581-G, the director shall monitor changes in ownership of parcels of forest land that are 1,000 acres or greater in area within the municipalities of the State

and classified under the Maine Tree Growth Tax Law. Using information received under Title 36, sections 581-F and 581-G, the director shall monitor the number of parcels classified under the Maine Tree Growth Tax Law and the distribution of parcels by size. The ~~biennial~~ report must include information on the number of parcels, classified by size categories, for the organized and unorganized territories of the State. The information must be presented in a manner that facilitates comparison from year to year.

In assessing changes in forest land ownership, the director shall also consider information reported pursuant to Title 36, sections 305 and 2728. The director shall provide a summary of changes in ownership of forest land in the ~~biennial~~ report.

2. Recommendations. The report must include recommendations for state and private actions designed to address the needs identified in the assessment.

A. State action recommendations must be defined in terms of necessary policies, programs, staff and budgetary requirements to achieve specific goals.

B. Recommendations for actions on privately held forest lands may be developed separately for large, industrial ownerships and small, nonindustrial ownerships. These recommendations must be defined in terms of actions needed to achieve specific goals.

Sec. 3. 12 MRSA §8881, sub-§12 is enacted to read:

12. Timber harvesting. "Timber harvesting" has the same meaning as in section 8868, subsection 4.

Sec. 4. 12 MRSA §8883-B, sub-§1, as enacted by PL 2003, c. 452, Pt. F, §44 and affected by Pt. X, §2, is amended to read:

1. Notification required prior to harvest. Unless exempted under subsection 6 or by rule, ~~prior to commencing harvesting operations the~~ a landowner or designated agent shall notify the bureau ~~of~~ prior to beginning timber harvesting.

~~A. A harvest operation of 50 cords or less; or~~

~~B. A commercial harvest operation of more than 50 cords.~~

When the ~~harvest~~ timber harvesting is occurring within a municipality, the bureau shall send a copy of the notification form to the municipal clerk.

Sec. 5. 12 MRSA §8883-B, sub-§2, ¶G, as enacted by PL 2003, c. 452, Pt. F, §44 and affected by Pt. X, §2, is amended to read:

G. An indication whether the land being harvested is taxed under the Maine Tree Growth Tax Law. ~~If the land being harvested is taxed under the Maine Tree Growth Tax Law, the notification~~