

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

thorization 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 portions of Chapter 850: Health Plan Accountability, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation 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 provision related to access to behavioral health care practitioners is amended to require the reasonable availability of those practitioners within a carrier's delivery system.

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

Effective April 6, 2012.

CHAPTER 151

H.P. 1341 - L.D. 1819

Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission

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 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized.

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

Effective April 9, 2012.

CHAPTER 152

S.P. 674 - L.D. 1898

Resolve, Authorizing the Lease of the Guy P. Gannett House in Augusta to a Nonprofit Organization for Use as a Museum

Sec. 1. Definitions. Resolved: That, as used in this resolve, the following terms have the following meanings.

1. "Commissioner" means the Commissioner of Administrative and Financial Services.

2. "State property" means the real estate described in section 3 of this resolve with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies; and be it further

Sec. 2. Authority to lease state property. Resolved: That the State, by and through the commissioner, may:

1. Enter into a lease or leases of the interests of the State in the state property; and

2. Establish any rent and lease terms; and be it further

Sec. 3. Property interests that may be leased. Resolved: That the state property authorized to be leased is the following:

Real estate located at 184 State Street in the City of Augusta, Maine and known as the Guy P. Gannett House; and be it further

Sec. 4. Property to be leased only to a nonprofit organization for use as a museum. Resolved: That the commissioner may negotiate and execute leases upon terms the commissioner considers appropriate; however, the state property may be leased only to a nonprofit organization for use as a museum; and be it further

Sec. 5. Exemptions. Resolved: That any lease pursuant to this resolve is exempt from the provisions of the Maine Revised Statutes, Title 5, section 1783 and is exempt from any statutory or regulatory requirement that the property first be offered to another state or local agency or offered for lease through competitive bidding; and be it further

Sec. 6. Repeal. Resolved: That this resolve is repealed 2 years after its effective date.

See title page for effective date.

CHAPTER 153

S.P. 669 - L.D. 1891

Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State

Sec. 1. Resolve 2011, c. 67, §1, first ¶, amended. Resolved: That Resolve 2011, c. 67, §1, first ¶ is amended to read:

Sec. 1. Pilot project for underserved areas of the State. Resolved: That the Department of Professional and Financial Regulation, Board of Dental Examiners shall establish a ~~2-year~~ pilot project to allow a licensed independent practice dental hygienist to expose and process radiographs under protocols developed by the Board of Dental Examiners within areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas.

; and be it further

Sec. 2. Resolve 2011, c. 67, §1, amended. Resolved: That Resolve 2011, c. 67, §1 is amended by adding after the 2nd paragraph the following:

The rules for the pilot project must allow an independent practice dental hygienist to expose and process all dental radiographs, including but not limited to:

1. Vertical and horizontal bitewing films;
2. Periapical films;
3. Panoramic images; and
4. Full-mouth series.

; and be it further

Sec. 3. Resolve 2011, c. 67, §1, last ¶, amended. Resolved: That Resolve 2011, c. 67, §1, last ¶ is amended to read:

The pilot project terminates March 15, ~~2014~~ 2015; and be it further

See title page for effective date.

CHAPTER 154

S.P. 532 - L.D. 1622

Resolve, Regarding the Laws Governing Electric Industry Restructuring

Sec. 1. Report. Resolved: That the Public Utilities Commission shall submit a report summarizing its findings and decision related to Docket No. 2011-170 pertaining to the request by the Bangor Hydroelectric Company for exemption and for reorganization approvals to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by December 15, 2012.

See title page for effective date.

CHAPTER 155

H.P. 1336 - L.D. 1812

Resolve, Directing the Department of Health and Human Services To Submit an Application for a Waiver from the United States Department of Agriculture

Sec. 1. Department of Health and Human Services to seek federal waiver. Resolved: That the Department of Health and Human Services shall submit an application for a waiver from the requirements of federal law and regulations to the United States Department of Agriculture. The waiver must seek approval for the Department of Health and Human Services to amend its rules to require a person to show photographic identification in order to use an electronic benefits transfer card when it is requested in an establishment that accepts Supplemental Nutritional Assistance Program benefits. The Department of Health and Human Services shall submit the application for a waiver by October 1, 2012; and be it further

Sec. 2. Department of Health and Human Services to continue to develop strategies to combat fraud and abuse. Resolved: That the Department of Health and Human Services shall continue to develop strategies to combat fraud and abuse in the use of electronic benefits transfer cards to access