

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

**CHAPTER 133****H.P. 1302 - L.D. 1780****Resolve, To Promote Transparency  
in Budgeting**

**Sec. 1. Pilot project. Resolved:** That representatives from the office of the Chief Information Officer within the Department of Administrative and Financial Services, the Executive Department, State Planning Office and the Department of Audit shall work together to initiate a pilot project to develop a publicly accessible site on the Internet for the purpose of posting municipal and county budgets and shall invite a representative of the Maine Municipal Association to work with them. The purpose of this pilot project is to make this information more readily available to the public and municipal and county officials. The program must include the following components:

**1. Voluntary participation.** Participation in the pilot project must be voluntary for municipalities and counties;

**2. Lead agency.** One state agency must be designated as the lead agency to create and maintain the publicly accessible site on the Internet; and

**3. Existing resources.** The pilot project must be created within existing resources.

The lead agency designated under subsection 2 shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 14, 2005 with recommendations on creating a permanent publicly accessible site on the Internet for this purpose.

See title page for effective date.

**CHAPTER 134****H.P. 1353 - L.D. 1830****Resolve, Regarding Legislative  
Review of Portions of Chapter 16:  
Foster Home Licensing Rule  
Regarding Smoking by Foster  
Parents, a Major Substantive Rule of  
the Department of Human Services**

**Sec. 1. Adoption. Resolved:** That final adoption of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a provisionally adopted major substantive rule of the Department of Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A,

is authorized provided the following changes are made in section 9, paragraph K.

1. With regard to smoking when a foster child is absent from the foster home, smoking is prohibited within 12 hours prior to the expected return of the foster child.

2. With regard to smoking when a foster child is placed in respite care, smoking is prohibited in the respite home within 12 hours prior to the child's expected respite placement.

3. With regard to smoking in a foster parent's motor vehicle, smoking is prohibited within 12 hours prior to transporting a foster child.

See title page for effective date.

**CHAPTER 135****H.P. 1391 - L.D. 1867****Resolve, Regarding Legislative  
Review of Chapter 101: MaineCare  
Benefits Manual, Chapter III,  
Section 97, Private Non-medical  
Institution Services, a Major  
Substantive Rule of the Department  
of Human Services**

**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 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a provisionally adopted major substan-