

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

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

Effective May 8, 2007.

**CHAPTER 17
H.P. 41 - L.D. 40**

Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization

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 portions of Chapter 100: Enforcement Procedures, a provisionally adopted major substantive rule of the Maine Health Data Organization 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 resolve takes effect when approved.

Effective May 14, 2007.

**CHAPTER 18
S.P. 106 - L.D. 328**

Resolve, To Require an Engineering Study To Determine the Cost of Extending Rail Service from Portland to Fryeburg

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 commuter corridors into Portland are becoming increasingly congested, resulting in more accidents and pollution; and

Whereas, one of the benefits of rail service is that it moves freight that would otherwise be hauled by trucks on our roads; and

Whereas, developing alternative transportation options is important to relieve congestion on our roads and reduce our reliance on foreign oil reserves; and

Whereas, there exists a state-owned rail corridor from Portland to Fryeburg that may be used for rail service; and

Whereas, a study of the engineering costs of upgrading this existing rail corridor must begin as soon as possible to allow reporting to the Second Regular Session of the 123rd Legislature; 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. Department of Transportation and Northern New England Passenger Rail Authority to conduct engineering study. Resolved: That the Department of Transportation in collaboration with the Northern New England Passenger Rail Authority shall conduct an engineering study to determine the cost of extending rail service from Portland to Fryeburg on rails rated class 3 rails by the Federal Railroad Administration; and be it further

Sec. 2. Report. Resolved: That the Department of Transportation and the Northern New England Passenger Rail Authority shall submit the study and any proposed legislation to the Joint Standing Committee on Transportation no later than January 15, 2008. Following receipt and review of the report, the Joint Standing Committee on Transportation may report out a bill to the Second Regular Session of the 123rd Legislature.

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

Effective May 14, 2007.

**CHAPTER 19
H.P. 538 - L.D. 717**

Resolve, Regarding Legislative Review of Portions of Chapter 1: General Provisions and Chapter 10: Land Use Districts and Standards, Major Substantive Rules of the Maine Land Use Regulation 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 portions of Chapter 1, General Provisions and Chapter 10, Land Use Districts and Standards, provisionally adopted major substantive rules of the Maine Land Use Regulation Commission that have 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 in accordance with the revised rule dated April 11, 2007 and presented by the Director of the Maine Land Use Regulation Commission to the Joint Standing Committee on Agriculture, Conservation and Forestry on that date. The revised rule dated April 11, 2007 includes the following changes to the provisionally adopted rule.

1. It adds language to clarify that, for utility lines, roads, land management roads and mineral or peat

extraction, only the portion of the project or the additional length or acreage that triggers permit review is subject to the fee calculation.

2. It removes the provision in the provisionally adopted rule that required a permit applicant to pay actual costs incurred for a public hearing.

3. It authorizes the Director of the Maine Land Use Regulation Commission to require a petitioner to pay the costs for a public hearing when the petition is for a district boundary change for the purpose of a subdivision or a commercial development.

The Maine Land Use Regulation Commission 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 May 14, 2007.

**CHAPTER 20
H.P. 734 - L.D. 974**

Resolve, Requiring the Department of Education To Review the Personnel Preparation and Professional Development Opportunities for Special Purpose School Teachers

Preamble. Whereas, the 123rd Legislature recognizes that teachers in special education or regional alternative education programs need to meet certification requirements; and

Whereas, the 122nd Legislature enacted Public Law 2005, chapter 153, amending the Maine Revised Statutes, Title 20-A provisions governing the establishment of tuition rates; and

Whereas, the Department of Education rate setting process review panel recommendations have been implemented and are scheduled to be reviewed this year; and

Whereas, the Truancy, Dropout, Alternative Education Advisory Committee Report of January 2006 provides for strategic planning for federal and state mandates; and

Whereas, personnel preparation opportunities are limited for educators serving special education students in programs that include alternative strategies; and