

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2010 on the policies developed under section 1. The report must include a copy of each department's policies pertaining to accessing private woodlands, farmlands and coastal lands and a summary of input received from farmland and woodland owners and owners of coastal lands during the development of these policies. The report must also include a description of how information collected on private land is used by the departments, the types of information that are available to the public and how that information is provided.

The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 124th Legislature pertaining to state employees' access to private lands or the dissemination of information collected on private lands; and be it further

Sec. 5. Adoption. Resolved: That the policies required under this resolve must be adopted by January 1, 2010.

See title page for effective date.

CHAPTER 31

H.P. 239 - L.D. 299

Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Office of the State Fire Marshal

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 4: Water-based fire protection systems, a provisionally adopted major substantive rule of the Department of Public Safety, Office of the State Fire Marshal 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 May 8, 2009.

CHAPTER 32

H.P. 505 - L.D. 722

Resolve, Directing a Review of the Management of Risks Associated with Surface Uses on Public Water Supplies

Sec. 1. Agency review of management of risks associated with surface uses on public water supplies; report; authority to submit legislation. Resolved: That the drinking water program of the Department of Health and Human Services is directed to review the management of risks associated with surface uses on lakes and ponds that are public water supplies. The drinking water program shall invite the participation of state agencies involved in locating, maintaining and managing access to and surface uses on lakes and ponds used as public water sources. By January 5, 2010, the drinking water program shall submit to the Joint Standing Committee on Natural Resources recommendations, including implementing legislation if any, on managing the risks in a way that balances public health and safety and recreational uses. The Joint Standing Committee on Natural Resources may submit legislation concerning the recommendations to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 33

S.P. 226 - L.D. 611

Resolve, To Provide Reimbursement in the MaineCare Program for Board-certified Behavior Analysts

Sec. 1. Reimbursement for board-certified behavior analysts. Resolved: That the Department of Health and Human Services shall amend the

rules of reimbursement for the provision of supervisory services by board-certified behavior analysts in the MaineCare programs for home and community benefits for persons with mental retardation or autistic disorders, developmental and behavioral clinical services, day habilitation services for persons with mental retardation, early intervention services, community support benefits for persons with mental retardation or autistic disorders, day treatment services, intermediate care facilities for persons with mental retardation and school-based rehabilitative services. As applicable, the rules must provide for membership by a board-certified behavior analyst on crisis assessment teams and multidisciplinary teams and, as appropriate, for consultation services by a board-certified behavior analyst and approval by a board-certified behavior analyst of written behavior intervention plans. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Medicaid State Plan amendment; rules. Resolved: That the Department of Health and Human Services shall pursue amendment to the federally approved Medicaid state plan on a timely basis following the effective date of this resolve and, after amendment of the state plan, shall amend the MaineCare rules to provide for reimbursement of board-certified behavior analysts for supervision only.

See title page for effective date.

CHAPTER 34

H.P. 403 - L.D. 565

Resolve, To Direct the Board of Dental Examiners To Review the Definition of "Edentulous Arch" in the Rules Governing Denturists

Sec. 1. Board of Dental Examiners to review the rules regarding denturists. Resolved: That the Board of Dental Examiners, established in the Maine Revised Statutes, Title 5, section 12004-A, subsection 10, shall review the definition of "edentulous arch" in its rules governing denturists. The Board of Dental Examiners shall provide a summary of this review and any changes made pursuant to this section in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 30, 2010.

See title page for effective date.

CHAPTER 35

S.P. 140 - L.D. 398

Resolve, To Develop a Management Plan for the Nonwildlife Components of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County

Sec. 1. Creation of a stakeholder group; membership and memorandum of agreement. Resolved:

That the Department of Inland Fisheries and Wildlife and the Department of Conservation, referred to in this resolve as "the departments," shall establish and convene a stakeholder group to evaluate the options available to manage the nonwildlife components of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County. The stakeholder group shall consider and, when possible, build upon the 1999 master plan for Swan Island in conducting its work pursuant to this section. The departments shall develop and enter into a memorandum of agreement for the management of the nonwildlife components of the islands based on the recommendations and findings of the stakeholder group. The stakeholder group consists of:

1. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;
2. The Commissioner of Conservation or the commissioner's designee;
3. A person representing the Town of Richmond;
4. A person or persons representing an adjacent municipality that expresses an interest in participating in the stakeholder group;
5. A person representing a nonprofit organization with the mission of preserving and protecting the ecosystem of Merrymeeting Bay;
6. A person representing a nonprofit organization that works to improve and promote Swan Island;
7. A person representing a business from the local community near Swan Island;
8. A person representing an historic preservation organization involved with or having a current interest in Swan Island;
9. A person from a state agency with a current interest in the management of Swan Island; and
10. A person not from a state agency with a current interest in the management of Swan Island.