

MAINE STATE LEGISLATURE

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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

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.

The departments shall ensure that a balance of interests is present on the stakeholder group; and be it further

Sec. 2. Report. Resolved: That no later than February 1, 2010 the departments shall report the findings and recommendations of the stakeholder group established in this resolve and the memorandum of agreement developed between the departments as a result of the stakeholder group's findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife. The report must include any draft legislation needed to carry out the recommendations contained in the report. The Joint Standing Committee on Inland Fisheries and Wildlife may submit legislation to the Second Regular Session of the 124th Legislature regarding the report.

See title page for effective date.

CHAPTER 36

S.P. 161 - L.D. 458

**Resolve, Directing the
Department of Agriculture,
Food and Rural Resources To
Study Equine Husbandry
Practices in the State**

Sec. 1. Commissioner of Agriculture, Food and Rural Resources to convene a working group. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall convene a working group to evaluate the care of equines in the State and recommend any changes necessary to ensure the humane treatment of equines and effective enforcement of state laws. The commissioner shall invite the following to participate in the working group: a veterinarian specializing in equine care; a farrier; an owner of an equine breeding stable; an owner or operator of an equine boarding stable; an owner of show horses; a person who has served as a superintendent for equine pulling events; a person who owns one or more horses for pleasure and does not benefit commercially from an equine-related business; a representative of an animal shelter whose primary mission is the care and rehabilitation of abused equines; a member of the Maine Animal Control Association; and an attorney with knowledge of the State's animal welfare laws. The director of the animal welfare program within the Department of Agriculture, Food and Rural Resources, the state veterinarian assigned to the animal welfare program and a member of the Animal Welfare Advisory Council designated by the commissioner shall participate in the working group. The department shall provide staff to and coordinate meetings of the working group using existing resources or funds specifically donated to facilitate this undertaking; and be it further

Sec. 2. Duties. Resolved: That the Commissioner of Agriculture, Food and Rural Resources, in consultation with the working group under section 1, shall:

1. Review annual reports submitted in accordance with the Maine Revised Statutes, Title 7, section 3906-B for 2006, 2007 and 2008 and examine summary data presented in these reports for data on the number of investigations of cruelty to equines and the final disposition of those cases;

2. Review existing statutory provisions pertaining to the care of equines and behaviors or conditions that constitute neglect or abuse under state law;

3. Review existing best management practices and standards of care for equines in the statutes and in the regulations of other states and other practices and standards developed by agencies or organizations to promote good equine husbandry; and

4. Develop approaches to reducing the incidence of equine abuse and neglect in the State. Approaches may differ to appropriately target equine owners and stable owners with varying objectives; and be it further

Sec. 3. Reporting date established. Resolved: That, no later than January 15, 2010, the Commissioner of Agriculture, Food and Rural Resources shall submit a report with findings and recommendations pursuant to the review under section 2, including any recommended legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry. The joint standing committee may submit legislation pertaining to promoting good equine husbandry practices and ensuring the enforcement of the State's animal welfare laws to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 37

S.P. 100 - L.D. 304

**Resolve, To Allow for the
Support, Preservation and
Maintenance of Maine
Monuments in Gettysburg,
Pennsylvania**

Sec. 1. Account established. Resolved: That the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management shall establish a nonlapsing special revenue interest-bearing account, from the effective date of this resolve until June 30, 2014, for the purpose of accepting and administering state and local funds, gifts and other contributions to be disbursed at appropriate times to the United States Department of the Interior to be used for the purpose of