

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

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

CHAPTER 79
H.P. 903 - L.D. 1300

**Resolve, To Create a Working
Group on the Prevention,
Diagnosis and Treatment of
Concussive Head Injuries in
Student-athletes**

Sec. 1. Working group. Resolved: That the Commissioner of Education shall establish a working group on the prevention, diagnosis and treatment of concussive head injuries in student-athletes. The commissioner shall invite the participation in the working group of representatives from the Maine Principals' Association, the Maine School Superintendents Association, the Maine School Boards Association, the Maine School Management Association and the Acquired Brain Injury Advisory Council, the medical director of health services at Colby College, sports medicine practitioners, medical providers and school athletic directors and trainers and representatives of any other stakeholder group or interested party the commissioner considers appropriate; and be it further

Sec. 2. Duties. Resolved: That the working group established in section 1 shall develop recommendations on the prevention, diagnosis and treatment of concussive head injuries in student-athletes, including, but not limited to, avoiding concussive head injuries through education, baseline and post-concussion testing and diagnosis of student-athletes, return-to-play guidelines, training for school athletic directors and athletic trainers, the delivery of post-concussion management services to concussed athletes and ways in which to effectively integrate these education, training and diagnostic recommendations into school athletic programs; and be it further

Sec. 3. Report. Resolved: That the Commissioner of Education shall report the findings and recommendations of the working group established in section 1 to the Joint Standing Committee on Education and Cultural Affairs no later than March 1, 2010; and be it further

Sec. 4. Legislation. Resolved: That the Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 124th Legislature on the issue of concussive head injuries in student-athletes following receipt of the report required in section 3.

See title page for effective date.

CHAPTER 80
H.P. 395 - L.D. 557

**Resolve, Directing the Study of
a Potato Variety
Demonstrating Resistance to
the Colorado Potato Beetle**

Sec. 1. Potato variety to be studied. Resolved: That the Maine Potato Breeding Program established at the University of Maine, referred to in this resolve as "the breeding program," shall determine the genetic integrity of the potato variety known as the "Shaw Potato." If the Director of the Maine Potato Breeding Program, referred to in this resolve as "the director," determines that the potato does not contain any proprietary material, the director shall work with the Maine Potato Board to develop a plan for the study of the Shaw Potato, its resistance to the Colorado potato beetle and its suitability for commercial production.

Before beginning the study, the director, in cooperation with the Maine State Grange, shall obtain the plant material to be studied and the written approval of the developer of the potato variety to proceed with the study; and be it further

Sec. 2. Funding. Resolved: That funding sources for the study include existing funds available to the breeding program from the Maine Potato Board, federal funding through the United States Department of Agriculture and grants; and be it further

Sec. 3. Report. Resolved: That the Maine Potato Board shall submit a copy of the study plan under section 1 and provide a progress report to the Joint Standing Committee on Agriculture, Conservation and Forestry and to the Maine State Grange no later than December 15, 2009.

See title page for effective date.

CHAPTER 81
H.P. 719 - L.D. 1044

**Resolve, To Promote
Cogeneration of Energy at
Maine Sawmills**

Sec. 1. Stakeholder group. Resolved: That the Executive Department, Governor's Office of Energy Independence and Security shall convene a stakeholder group to examine and make recommendations regarding the concept of cogeneration energy zones, as described in section 2, to promote cogeneration at sawmills in the State. The office shall, at a minimum, invite representatives of the Public Utilities Commission, the Office of the Public Advocate, the

forest products industry, transmission and distribution utilities and other interested parties to participate in the stakeholder group; and be it further

Sec. 2. Cogeneration energy zone. Resolved: That, for the purposes of this resolve, "cogeneration energy zone" means a designated geographic area that includes a sawmill that has an on-site cogeneration facility. The stakeholder group under section 1 shall consider the following criteria in developing the concept of cogeneration energy zones:

1. Allowing the zone to include not less than 2 and not more than 10 manufacturing facilities, including the subject sawmill;
2. Limiting the zone to a maximum radius of 10 miles;
3. Limiting the cogeneration facility to an installed capacity limit of 5 megawatts;
4. Requiring the cogeneration facility to meet fuel system efficiency standards or use a renewable resource as its fuel input;
5. Allowing the sawmill that owns the on-site cogeneration facility and other entities within the zone that share an ownership interest in the cogeneration facility to elect net energy billing. If the cogeneration facility has an installed capacity of more than 660 kilowatts and net energy billing is elected, the sawmill and any shared ownership customers that elect net energy billing would be required to pay a fee to the transmission and distribution utility to mitigate cost shifting to other ratepayers. If the cogeneration facility has an installed capacity of 660 kilowatts or less, the Public Utility Commission's rules governing net energy billing would apply. If there is no shared ownership of the cogeneration facility, the sawmill may sell its net excess generation pursuant to the small generator aggregation law under the Maine Revised Statutes, Title 35-A, section 3210-A;
6. Allowing the construction of a private transmission line to be considered, subject to the requirements of Title 35-A, section 2305-B if the transmission and distribution utility serving the location of the cogeneration facility does not have the capacity to transmit the output of the cogeneration facility to the shared ownership customers; and
7. Allowing the nonelectric energy produced by the cogeneration facility to be shared with other entities through private agreement; and be it further

Sec. 3. Report; authority for legislation. Resolved: That, no later than February 15, 2010, the Executive Department, Governor's Office of Energy Independence and Security shall submit to the Joint Standing Committee on Utilities and Energy a report of the findings and recommendations of the stakeholder group under section 1, including any suggested legislation. After receipt and review of the report, the

committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature regarding cogeneration energy zones.

See title page for effective date.

CHAPTER 82

H.P. 662 - L.D. 960

Resolve, Requiring Rulemaking by the Maine Health Data Organization in Consultation with the Maine Quality Forum Regarding Clostridium Difficile and Methicillin-resistant Staphylococcus Aureus

Sec. 1. Rules. Resolved: That, by January 1, 2010, the Maine Health Data Organization in consultation with the Maine Quality Forum shall adopt rules regarding public reporting by hospitals on issues regarding methicillin-resistant *Staphylococcus aureus* and *Clostridium difficile* to include:

1. Reporting on the hospital's adoption of a multiple drug-resistant organism prevention program as part of the hospital's broader health-care-associated infection prevention strategies, including hand hygiene, contact precautions that include barriers as appropriate, isolation policies, design of a response to increases in infection rates and environmental precautions; and
2. Reporting on the hospital's quarterly submission to the Maine Health Data Organization of the number of patients at high risk for methicillin-resistant *Staphylococcus aureus* and the number of these patients surveilled in the hospital's targeted surveillance of high-risk populations.

The rules must include a definition of "high risk" and the components of a targeted surveillance program that follow the federal Centers for Disease Control and Prevention guidelines and are determined by the Maine Quality Forum in consultation with the Maine Infection Prevention Collaborative by October 1, 2009.

The Maine Quality Forum, in conjunction with members of a statewide collaborative group of infection prevention specialists, a representative of a statewide organization representing nurses and a person representing consumers, shall design metrics for assessment of reporting functions and establish performance measures, which must be posted on the Maine Quality Forum's publicly accessible website, and include the performance measure data in the annual Maine Quality Forum report to the Legislature re-