

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

**CHAPTER 92**  
**S.P. 338 - L.D. 1105**

**Resolve, To Study Oral Health  
Care in Maine and Make  
Recommendations Regarding  
How To Address Maine's Oral  
Health Care Needs**

**Preamble. Whereas,** many Mainers face barriers to oral health care; and

**Whereas,** parts of each of Maine's 16 counties have been identified as federally designated dental health professional shortage areas; and

**Whereas,** there is no single answer to addressing Maine's oral health care needs; and

**Whereas,** ongoing challenges to Maine's oral health care needs include reimbursement, geography, personal decisions, workforce issues and many other factors; and

**Whereas,** the Legislature has in recent years sought to address Maine's oral health care needs through changes to the dental workforce and scopes of practice; and

**Whereas,** no comprehensive study has been completed regarding Maine's oral health care needs or the effect of the legislative changes and evaluations of strategies to address the outstanding needs; and

**Whereas,** this resolve directs the Executive Director of the Legislative Council to designate Medical Care Development, Inc. to contract with a qualified consultant to conduct a study of Maine's oral health care needs; now, therefore, be it

**Sec. 1. Oral health care needs; study. Resolved:** That the Executive Director of the Legislative Council shall request Medical Care Development, Inc. to conduct a study, without any cost to the State, pursuant to this resolve. Medical Care Development, Inc. shall solicit funds to pay for the cost of the study. Upon receiving adequate funding, Medical Care Development, Inc. shall contract with a qualified consultant that has sufficient resources and experience to perform a study of the State's oral health care needs that examines the type and geographic distribution of oral health care providers and analyzes barriers to oral health care in the State. The Department of Health and Human Services shall cooperate with Medical Care Development, Inc. by providing assistance in obtaining relevant information and data. In conducting the study, Medical Care Development, Inc. shall invite the input of members of the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Labor, Commerce, Research and Economic Development and shall seek the advice of statewide organizations representing dentists, dental

hygienists, low-income persons, federally qualified health centers and dental clinics. The study may reference or incorporate information from other relevant research. The study must specifically examine and report on:

1. Existing public and private financial resources for oral health care in the State;
2. Limitations on access to oral health care for citizens of the State;
3. The sustainability of public financing programs for oral health care;
4. The actual and projected dental workforce needs for the State;
5. The effect of recent changes surrounding oral health care in the State, such as the development of a dental school based in the State and the creation of expanded function dental assistants, dental hygienists with public health supervision status and independent practice dental hygienists; and
6. Possible policy models from other states and countries that have been effective in addressing identified workforce shortages; and be it further

**Sec. 2. Funding. Resolved:** That Medical Care Development, Inc. shall seek nonstate funding to fully fund all costs of the study requested in section 1. The Department of Health and Human Services shall assist Medical Care Development, Inc. in seeking non-state funding, including collaborating in seeking any available federal grant funds. State funds may not be expended to conduct the study. The study must be completed and the report submitted by Medical Care Development, Inc., with recommendations as appropriate for each issue, no later than January 1, 2012 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and the Joint Standing Committee on Health and Human Services.

See title page for effective date.

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**CHAPTER 93**

**H.P. 1005 - L.D. 1366**

**Resolve, To Clarify the  
Expectation for the 2012  
Assessment of Progress on  
Meeting Wind Energy  
Development Goals**

**Sec. 1. Expectations for assessment. Resolved:** That, when the Governor's Office of Energy Independence and Security, referred to in this resolve as "the office," undertakes its 2011 annual assessment of progress on meeting the wind energy development goals pursuant to Public Law 2007, chapter 661, Part A, section 8, as amended by Public Law 2009, chapter

642, Part A, section 9, it shall consider the following specific issues.

1. In its examination of the experiences from the permitting process, the office shall specifically examine:

A. Whether statewide permitting standards should be applied to wind energy development, including, but not limited to, noise standards, visual standards, setback requirements and decommissioning plans;

B. The criteria used during the permitting process to consider the visual impact of an expedited grid-scale wind energy development, the permits issued and any recommended changes to the criteria, including, but not limited to, changes to the criteria that require the primary siting authorities to consider insignificant the visual impacts greater than 8 miles from a scenic resource of state or national significance as defined in the Maine Revised Statutes, Title 35-A, section 3451, subsection 9;

C. The quality of submitted decommissioning plans and recommendations for mechanisms to provide financial assurance for funding the decommissioning; and

D. The time required for completing the permitting process, including the time required for conducting environmental surveys and preparing and submitting the applications and the associated costs.

2. In its examination of the status of this State and each of the other New England states in making progress toward reducing greenhouse gas emissions, the office shall specifically evaluate the accuracy of the estimates generated by state agencies and wind energy developers for greenhouse gas reductions that are a result of wind energy development in this State and make recommendations for a standardized protocol, if necessary.

3. In developing its recommendations regarding the wind energy development goals established in Title 35-A, section 3404, subsection 2, the office shall consider the number of wind turbines necessary to meet the goals, market conditions, development trends, emissions goals, siting policies, cumulative impacts and other factors that may indicate it is necessary to amend the wind energy development goals.

4. In developing its recommendations regarding identification of places within the State's unorganized and deorganized areas for inclusion in the expedited permitting area established pursuant to Title 35-A, chapter 34-A, the office shall also consider whether places should be removed from the expedited permitting area, including, but not limited to, mountain area protection subdistricts, as described by the Department

of Conservation, Maine Land Use Regulation Commission Rule Chapter 10.

Notwithstanding Public Law 2007, chapter 661, Part A, section 8, as amended by Public Law 2009, chapter 642, Part A, section 9, the assessment submitted in 2012 is due February 1, 2012. Following receipt and review of the report, the Joint Standing Committee on Energy, Utilities and Technology may submit a bill to the Second Regular Session of the 125th Legislature; and be it further

**Sec. 2. Additional considerations. Resolved:** That, to the extent resources are available, the office shall include the following in the annual assessment of progress on meeting the wind energy development goals pursuant to Public Law 2007, chapter 661, Part A, section 8, as amended by Public Law 2009, chapter 642, Part A, section 9, in the assessment submitted in 2012:

1. Recommendations for the method by which permitting authorities should consider the cumulative impact on natural resources at the state or regional level, including but not limited to mountain areas and to scenic resources of state or national significance as defined in the Maine Revised Statutes, Title 35-A, section 3451, subsection 9;

2. The economic effects of wind energy development on the tourism industry, to the extent data are available;

3. In collaboration with the Office of the Public Advocate, an evaluation of the costs associated with transmission upgrades for the purpose of transmitting wind energy; and

4. The implications of the intermittency of wind power for regional markets and the grid, including capacity charges, the forward capacity market and electricity price volatility; and be it further

**Sec. 3. Use of existing data and stakeholder input. Resolved:** That, when completing the assessments under sections 1 and 2, the office and the Office of the Public Advocate may draw on existing state data and studies rather than new analyses, including, but not limited to, those developed for the New England Wind Integration Study published by ISO New England in December 2010, the state climate action plan pursuant to the Maine Revised Statutes, Title 38, section 577 and progress evaluation in Title 38, section 578, the State of Maine Comprehensive Energy Plan 2008-2009 and any reports from the Department of Economic and Community Development, as well as on analyses by the Federal Government, nonprofit organizations and other parties. The office and the Office of the Public Advocate may also draw on input from stakeholders and interested parties to complete the assessments; and be it further

**Sec. 4. Health effects. Resolved:** That, to the extent that resources are available, the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall conduct an analysis of the research on health effects from wind turbines, including effects from noise, and provide a report to the Joint Standing Committee on Energy, Utilities and Technology by February 1, 2012. The report must include recommendations for making the information in the report easily accessible to the public.

See title page for effective date.

## CHAPTER 94

### H.P. 321 - L.D. 403

#### **Resolve, To Encourage School Administrative Units To Adopt a Mission Statement for Each of the Public Schools Operated by the School Administrative Unit**

**Sec. 1. Mission statement. Resolved:** That the Department of Education shall encourage each school administrative unit to adopt a mission statement for each school under its jurisdiction and shall encourage each school board to solicit input from teachers, administrators, parents, students and community members in the development and adoption of a mission statement. This resolve does not apply to a school administrative unit that has already adopted mission statements for each of the schools under its jurisdiction; and be it further

**Sec. 2. Technical assistance. Resolved:** That, upon the request of a school board, the Department of Education shall provide technical assistance to the school administrative unit in the development of mission statements as set forth under section 1; and be it further

**Sec. 3. Review. Resolved:** That, by June 15, 2014, the Department of Education shall conduct a review of the adoption of mission statements by school administrative units; and be it further

**Sec. 4. Report. Resolved:** That, by September 1, 2014, the Department of Education shall submit a written report of the findings of the review under this resolve, including any recommendations resulting from the review, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.

See title page for effective date.

## CHAPTER 95

### S.P. 232 - L.D. 739

#### **Resolve, To Amend the Rules Concerning Long-term Care Services To Better Support Family Caregivers**

**Sec. 1. Resolved:** That, within the limits of its existing resources, the Department of Health and Human Services shall engage parties interested in the well-being of elderly and disabled adults for the purpose of creating a standard-form written contract that would satisfy existing MaineCare rules requiring a written contract for long-term care personal support services delivered by a relative in a home setting. The use of this contract form may not preclude the use of other forms. The Department of Health and Human Services shall post the contract form on its publicly accessible website, and shall adopt rules to implement the standard-form written contract. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 96

### H.P. 265 - L.D. 332

#### **Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive Rule of the Department of Health and 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