

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

**SECOND REGULAR SESSION**

January 2, 1980 to April 3, 1980

AND AT THE

**THIRD SPECIAL SESSION**

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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**PUBLIC LAWS**  
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Whereas, the Bureau of Mental Retardation is bound by a federal court order, resulting from the Pineland Center right to treatment class action suit, to develop community based services and programs for members of that class of plaintiffs; and

Whereas, new service and program development often necessitates financial participation by the Bureau of Mental Retardation up to 100% of total costs of the services and programs; and

Whereas, current statutes prohibit the Bureau of Mental Retardation from participating financially in any more than 50% of the operating costs of community programs and services when grants are made from the General Fund; 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 enacted by the People of the State of Maine, as follows:**

**34 MRSA § 2646, first sentence**, as enacted by PL 1977, c. 502, § 4, is repealed and the following enacted in its place:

**The Bureau of Mental Retardation may make grants to nonprofit corporations for amounts which are reasonable relative to quantity and quality of services to be provided by the grantee. The Bureau of Mental Retardation may request a display of effort on the part of the grantee that appropriate local governmental and other funding sources have been sought to assist in the financing of the services for which the bureau is making the grant.**

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 22, 1980

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## CHAPTER 600

H. P. 1710 — L. D. 1815

**AN ACT to Amend the Law Dealing with the Identity of Fish Produced by Aquaculture.**

**Be it enacted by the People of the State of Maine, as follows:**

**12 MRSA § 7201, sub-§ 3, ¶ C**, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

C. All fish sold under this section shall be identified with the name and address of the source of the fish in a manner approved by the commissioner. No person may offer for sale any commercially grown or imported fish that is not so identified.

Effective July 3, 1980

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## CHAPTER 601

S. P. 697 — L. D. 1833

### AN ACT to Amend the Provisions of the Maine Certificate of Need Act Governing the Issuance of an Emergency Certificate of Need.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 22 MRSA § 308, sub-§ 2, as enacted by PL 1977, c. 687, § 1, is repealed and the following enacted in its place:

2. Waiver of other requirements. In order to expedite the review of an application submitted in response to an emergency situation, the department, after consultation with the Health Systems Agency, may:

A. Waive the requirement that an applicant shall file a letter of intent with the department no less than 60 days prior to the date on which an application is to be filed;

B. Limit the period within which the Health Systems Agency may comment on the completeness of an application to less than 10 working days from the date on which it was filed with the department; and

C. Establish a schedule for the review of an application which commences on a day other than the first day of an established review cycle and requires the Health Systems Agency to submit its recommendations and comments to the department in less than 70 days from the day on which the review period commenced, provided that the Health Systems Agency shall be afforded no less than 2/3 of the time the department has allotted for the completion of its review.

Sec. 2. 22 MRSA § 308, sub-§ 3 is enacted to read:

3. Emergency defined. The department shall determine that an emergency situation exists whenever it finds that an applicant has demonstrated: