

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

Deed	<u>8.00</u>
Total	\$1,136.85

Recommendation: Sell to Richard Gabriel and Rita Brooks for \$1,136.85. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the Passamaquoddy Tribe for \$1,136.85. If it does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$1,150.00.

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T9 R4 NBPP, Washington County

Map WA027, Plan 01, Lot 33                    298060100  
 Richard H. and Judith A. Sabot 3.00 Ac. w/Bldg.

TAX LIABILITY

1994	\$593.63
1995	587.35
1996	514.40
1997 (estimated)	<u>514.40</u>
Estimated Total Taxes	\$2,209.78
Interest	128.25
Costs	16.00
Deed	<u>8.00</u>
Total	\$2,362.03

Recommendation: Sell to Richard H. and Judith A. Sabot for \$2,362.03. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$2,375.00.

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See title page for effective date.

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**CHAPTER 27**

**S.P. 145 - L.D. 424**

**Resolve, Recognizing the Theta Chi Building Association as a Nonprofit Corporation**

**Sec. 1. Theta Chi Building Association recognized as a nonprofit corporation. Resolved:** That the Theta Chi Building Association, on file with the Secretary of State as a business corporation under the Maine Revised Statutes, Title 13-A, as of the effective date of this resolve, must be recognized as a nonprofit corporation for all purposes

under Title 13-B. This nonprofit corporation replaces the business corporation, but retains the original filing date of August 15, 1907; and be it further

**Sec. 2. Retroactivity. Resolved:** That this resolve applies retroactively to January 1, 1997.

See title page for effective date.

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**CHAPTER 28**

**H.P. 1056 - L.D. 1488**

**Resolve, to Study the Restriction of Entry in Lobster Management Zones**

**Sec. 1. Study. Resolved:** That the Lobster Advisory Council shall by February 1, 1998 submit to the Joint Standing Committee on Marine Resources a report regarding limiting entry into lobster management zones created under the Maine Revised Statutes, Title 12, section 6446. The report must examine methods to limit entry in individual lobster management zones and the potential impacts of those methods. The report may address any aspect of limited entry that is of interest to the council and may include recommended legislation. Any recommendations for a system of limiting entry must include a process under which individual zone councils recommend local limited entry provisions to the commissioner for rulemaking by the commissioner. In conducting its study, the Lobster Advisory Council shall consult with the lobster management policy councils created in each lobster management zone. The Joint Standing Committee on Marine Resources may report out legislation regarding limited entry in the lobster fishery during the Second Regular Session of the 118th Legislature.

See title page for effective date.

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**CHAPTER 29**

**H.P. 769 - L.D. 1046**

**Resolve, to Study Registration for In-home Personal Care and Support Workers**

**Emergency preamble. Whereas,** Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Maine citizens who require in-home personal care and support are living in a variety of settings and receiving that care from providers whose

background information may be difficult to obtain; and

**Whereas**, without access to background information consumers can not make informed decisions in the hiring and employment of their personal care and support workers; 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. Task force established. Resolved:**

That the Task Force on Registration of In-home Personal Care and Support Workers, referred to in this resolve as the "task force," is established to study the registration of personal care and support workers who work in homes, assisted living centers, residential care facilities and supported living arrangements; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of the following members:

1. The Commissioner of Human Services or the commissioner's designee and a member of the Division of Licensure and Certification of the Department of Human Services chosen by the commissioner;

2. The Commissioner of Public Safety or the commissioner's designee;

3. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services or the commissioner's designee;

4. The following members are jointly appointed by the President of the Senate and the Speaker of the House:

A. One member of the Joint Standing Committee on Health and Human Services and one member of the Joint Standing Committee on Criminal Justice, of whom one member must be from each major political party;

B. One representative of providers of in-home personal care and support;

C. One representative of an assisted living center, residential care facility or supported living facility;

D. One representative of consumers receiving consumer directed care;

E. One representative of the long-term care ombudsman program; and

F. One representative of the Legal Services for the Elderly, Inc.; and be it further

**Sec. 3. Appointments; meetings. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. Within 15 days of the appointment of all members, the Chair of the Legislative Council shall call and convene the first meeting of the task force. The task force shall select a chair from among its members; and be it further

**Sec. 4. Duties. Resolved:** That the task force shall:

1. Examine laws from other states relating to the registration of personal care and support workers providing services in homes, assisted living centers, residential care facilities and supported living facilities;

2. Examine registration, recording and reporting systems for personal background information and criminal record checks of personal care and support workers working in homes, assisted living centers, residential care facilities and supported living facilities;

3. Evaluate different registration, recording and reporting systems, including, but not limited to, the impact on consumer choice and consideration of timeliness and cost for consumers, persons providing care, agencies or entities employing persons providing care and payors for care, including the State and the Medicaid program; and

4. Make recommendations, together with any necessary implementing legislation, on the subject of registration of personal care and support workers providing services in homes, assisted living centers, residential care facilities and supported living facilities; and be it further

**Sec. 5. Staff assistance. Resolved:** That the Department of Human Services shall provide staffing assistance; and be it further

**Sec. 6. Voluntary service. Resolved:** That the members of the task force shall serve without compensation or reimbursement of any type; and be it further

**Sec. 7. Report. Resolved:** That the task force shall submit its report, together with any necessary implementing legislation, to the Joint Standing Committee on Health and Human Services

and the Second Regular Session of the 118th Legislature no later than January 1, 1998. If the task force requires an extension, it may apply to the Legislative Council, which may grant the extension.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective May 16, 1997.

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## CHAPTER 30

### H.P. 831 - L.D. 1136

**Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality**

**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 Administrative Procedure Act, Title 5, chapter 375, subchapter II-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 Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality, and submitted to the Legislature for review pursuant to the Maine

Administrative Procedure Act, is authorized, with the following amendments to the rule.

1. The rule must require that storm water quality standards appropriate for the area apply to variances for externally drained excavation pits.

2. The rule must require that the owner or operator of an excavation site or rock quarry where petroleum products will be stored submit a spill prevention, control and countermeasures plan to the department for review at least 45 days before beginning operations. The rule must authorize the department to require that the plan include provisions for monitoring groundwater quality as the department determines appropriate; and be it further

**Sec. 2. Informational meeting. Resolved:** That the Department of Environmental Protection shall adopt rules that set forth the procedural requirements for the conduct of a public informational meeting. These rules are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

The department shall develop an interim policy to provide guidance in the conduct of the public informational meetings required to be held by applicants for a variance pursuant to the Maine Revised Statutes, Title 38, section 490-E. The interim policy is in effect until rules relating to the conduct of public informational meetings are finally adopted.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective May 16, 1997.

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## CHAPTER 31

### H.P. 909 - L.D. 1252

**Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality**

**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 Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and