

# 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**

**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 380: Planning Permit, 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 amendment to the rule. The department shall amend the rule prior to final adoption to require that a planning permit be reviewed at least every 5 years for conformance with department rules and be amended to conform with department rules in effect at the time of review.

**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 32

**H.P. 995 - L.D. 1387**

**Resolve, to Authorize the Lincoln County Commissioners to Borrow Not More Than \$400,000 to Build the Lincoln County Communications Center**

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

**Whereas**, Lincoln County has limited space to provide for a necessary communications and 9-1-1 system; and

**Whereas**, the need exists for an expanded communications system in Lincoln County; and

**Whereas**, the county commissioners must begin the necessary preparation for the borrowing of money; 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. To authorize the borrowing of money. Resolved:** That the Lincoln County commissioners are authorized to borrow and expend a sum not to exceed \$400,000 for construction of a communications and 9-1-1 center located in Lincoln County.

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

Effective May 20, 1997.

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## CHAPTER 33

**S.P. 435 - L.D. 1381**

**Resolve, to Require a Study of Training in Sudden Infant Death Syndrome**

**Sec. 1. Study. Resolved:** That the Commissioner of Public Safety shall convene a study group to examine issues related to training in sudden infant death syndrome, referred to in this resolve as "SIDS." The study group must include representatives of SIDS parents, a statewide SIDS organization, professionals with expertise in SIDS or infant death grieving and SIDS training and representatives of law enforcement, the Department of Human Services, the Department of Public Safety and members of the public. The study group shall review training in SIDS for law enforcement personnel, training in SIDS at the Maine Criminal Justice Academy and in the certification courses for emergency medical services personnel. All meetings of the study group must be public meetings. The study group shall submit a report and any recommended legislation to the Joint Standing Committee on Health and Human Services by December 1, 1997.

See title page for effective date.

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## CHAPTER 34

**H.P. 828 - L.D. 1133**

**Resolve, to Ensure Quality Care to Residents of Nursing Facilities through the Establishment of a Task Force on Minimum Staffing**

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

**Whereas,** nursing facility residents, family members, consumer advocates and nursing facility employees believe that many nursing facilities are currently understaffed and do not meet the needs of residents; and

**Whereas,** nursing facilities are serving a frailer population than in previous years and are receiving a higher level of reimbursement for the care provided under Medicaid; and

**Whereas,** state regulations governing minimum staffing in nursing facilities have not changed in response to the higher levels of care needed by residents; and

**Whereas,** current minimum staffing levels may create a danger to the health and safety of residents; and

**Whereas,** minimum staffing levels should be considered, based on information received from residents, family members, consumer advocates and nursing facility employees; 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. Resolved:** That the Department of Human Services, referred to in this resolve as the "department," shall convene a task force to study the current departmental rules concerning minimum staffing levels required of nursing facilities with the purpose of recommending to the department how those rules might be amended to better meet the needs of residents of nursing facilities; and be it further

**Sec. 2. Membership. Resolved:** That the Commissioner of Human Services shall name the following members to the task force:

1. The Director of the Division of Licensing and Certification within the Department of Human Services;

2. One case-mix review nurse from the Department of Human Services, Division of Quality Assurance;

3. Two residents of nursing facilities or family members of residents;

4. Two certified nurse assistants with experience in a nursing facility;

5. One director of nursing from a nursing facility;

6. One representative from the long-term care ombudsman program;

7. One representative from the Alzheimer's Association - Maine Chapter;

8. One representative from the Maine Health Care Association; and

9. Such other persons as the commissioner determines to be appropriate; and be it further

**Sec. 3. Meetings; chair. Resolved:** That the task force shall meet within 60 days following the effective date of this resolve. 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. Review the departmental rules concerning the current minimum staffing levels required of nursing facilities;

2. Consider the appropriateness of increasing the minimum staffing level at nursing facilities;

3. Consider the levels at which nursing facilities should be staffed;

4. Identify and discuss other issues that are relevant to the study; and

5. Make recommendations to change departmental rules concerning minimum staffing levels of nursing facilities, based on the findings of the task force; and be it further

**Sec. 5. Staffing. Resolved:** That the department shall provide staffing assistance to the task force; and be it further

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

**Sec. 7. Report. Resolved:** That the task force shall submit a report concerning the findings and recommendations to the Commissioner of Human Services and to the Joint Standing Committee on Health and Human Services within 90 days after the effective date of this resolve; and be it further

**Sec. 8. Departmental rules. Resolved:** That the department shall review the proposed rules concerning staffing levels at nursing facilities and

shall adopt staffing rules. The rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

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

Effective May 22, 1997.

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## CHAPTER 35

S.P. 396 - L.D. 1293

### Resolve, to Evaluate Permit by Rule and Compliance with the Natural Resources Protection Laws

**Sec. 1. Land and Water Resources Council evaluation of permit by rule. Resolved:** That the Land and Water Resources Council, in consultation with the Department of Environmental Protection, shall evaluate the Board of Environmental Protection's rules relating to permit-by-rule requirements for activities regulated pursuant to the Maine Revised Statutes, Title 38, chapter 3, subchapter I, Article 5-A. In its evaluation, the Land and Water Resources Council shall consider the following issues:

1. Whether all of the activities that have been designated eligible for permit by rule are appropriate for the permit-by-rule process in light of the requirement to protect the natural resources in, on or adjacent to which the activities are located;
2. Whether there are adequate checks to ensure compliance with the permit standards;
3. Whether permit by rule provides the Department of Environmental Protection with sufficient information to evaluate projects;
4. Whether there is a satisfactory process for appeal when a permit by rule is approved; and
5. Whether the standards are adequate to ensure no significant impact upon the environment when projects are in compliance with the standards; and be it further

**Sec. 2. Report. Resolved:** That the Land and Water Resources Council shall report its findings and recommended changes to the permit-by-rule program to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 1998.

See title page for effective date.

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## CHAPTER 36

H.P. 270 - L.D. 334

### Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty

**Sec. 1. Report on poverty. Resolved:** That the State Planning Office shall report annually to the Legislature, beginning on January 1, 1998, on the subject of poverty in this State. The report must include information on poverty among children and adults, regional differences in poverty rates and indicators, conditions responsible for changes from the prior year, expectations for the coming year and the economic condition of the State's communities.

See title page for effective date.

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## CHAPTER 37

H.P. 1232 - L.D. 1749

### Resolve, Designating a World War II Monument in Bangor an Official State Memorial and Authorizing the Department of Transportation to Erect Signs Identifying That Memorial

**Sec. 1. Designating an official state memorial in honor of World War II veterans. Resolved:** That the monument to be erected in Bangor on the grounds of the Cole Land Transportation Museum be designated an official state memorial to honor the veterans of Maine who gave their lives in defense of freedom during World War II; and be it further

**Sec. 2. Signs for World War II memorial. Resolved:** That the Department of Transportation may erect signs in appropriate locations identifying the location of the World War II memorial designated under section 1.

See title page for effective date.

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## CHAPTER 38

H.P. 1275 - L.D. 1805

### Resolve, Directing the Commissioner of Education to Establish Plans for an Alternative School Calendar