

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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.

J.S. McCarthy Company
Augusta, Maine
1997

northerly side of the Freeman Ridge Road and Ramsdell Hill roads to the point of origin.

See title page for effective date.

CHAPTER 51

H.P. 1093 - L.D. 1536

Resolve, Regarding Legislative Review of Chapter 131: Rules for Learning Results, a Major Substantive Rule of the Department of Education

Sec. 1. Adoption. Resolved: That final adoption of Chapter 131: Rules for Learning Results, a provisionally adopted major substantive rule of the Department of Education, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized with the following amendment to the rule.

In order to reaffirm the intent of the Legislature expressed in Public Law 1995, chapter 649, in establishing a statewide system of learning results, the department shall include an application section in the rules reading as follows:

"1. Application of rules to local school administrative units.

These rules may not require a school administrative unit to take any action that necessitates additional expenditures from local revenues unless the Department of Education pays for 90% of the additional costs. Implementation of these rules is at the discretion of the school administrative unit if additional local expenditures are required for implementation and the department has not paid its share of the additional, required costs.

A school administrative unit that determines that it is unable to implement the learning results in the areas of English language arts, health and physical education, mathematics, science and technology, and social studies within existing state and local resources must present its findings and supporting evidence to the Department of Education. The department shall review the findings and evidence and, if necessary, assist the unit in planning for implementation.

Pursuant to Public Law 1995, chapter 649, section 3, school administrative units may delay implementation of the system of learning results in the areas of career preparation, foreign languages, and visual

and performing arts if adoption in those areas can not be achieved within existing resources."

See title page for effective date.

CHAPTER 52

S.P. 608 - L.D. 1809

Resolve, Authorizing the Exchange and Sale of Certain Public Lands

Preamble. Whereas, the Constitution of Maine, Article IX, Section 23 requires that real estate designated held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House; and

Whereas, the lands authorized for sale by this resolve are under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 553, subsection 3, paragraph F and section 590; now, therefore, be it

Sec. 1. Director of the Bureau of Parks and Lands authorized to convey certain public lands. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey the following properties for not less than fair market value or best offer through competitive bidding:

1. Fort Kent. A common and undivided 3/4 interest in the public lot in the Town of Fort Kent, totalling approximately 54 acres;

2. Ashland. All right, title and interest in and to approximately 0.63 acres and associated buildings located on Garfield Road in the Town of Ashland;

3. Solon. All right, title and interest in and to approximately 40 acres in the Town of Solon, which land is located near the boundary line of the Town of Solon and the Town of Athens; and

4. Little Squaw Township. All right, title and interest in and to land on Beech Street in Little Squaw Township, totalling approximately 1/4 acre; and be it further

Sec. 2. Use of proceeds from sale of property. Resolved: That all money received from the sales of these lands must be deposited in the Public Reserved Lands Acquisition Fund in accordance with

the Maine Revised Statutes, Title 12, section 590 and must be used to purchase additional land for the public reserved lands system in the same counties as the properties herein conveyed.

See title page for effective date.

CHAPTER 53

H.P. 1328 - L.D. 1877

Resolve, Regarding Legislative Review of Chapter 6: Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel, a Major Substantive Rule of the Maine State Board of Nursing

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 6: Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel, a provisionally adopted major substantive rule of the Maine State Board of Nursing, submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized.

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

Effective June 9, 1997.

CHAPTER 54

H.P. 1331 - L.D. 1881

Resolve, Regarding Legislative Review of Portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Medical 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 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 portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a provisionally adopted major substantive rule of the Department of Human Services, Bureau of Medical Services, submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized.

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

Effective June 9, 1997.
