

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

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 certification and monitoring of batterer intervention programs, a provisionally adopted major substantive rule of the Department of Corrections 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 March 18, 1998.

CHAPTER 93

H.P. 1608 - L.D. 2235

Resolve, Regarding Legislative Review of Chapter 2.10: Aquaculture Lease Regulations, Lease Categories and Environmental Baseline, a Major Substantive Rule of the Department of Marine Resources

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 2.10: Aquaculture Lease Regulations, Lease Categories and Environmental Baseline, a provisionally adopted major substantive rule of the Department of Marine Resources, and 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 March 18, 1998.

CHAPTER 94

H.P. 610 - L.D. 835

Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law

Sec. 1. Study of Occupational Disease Law. Resolved: That the Workers' Compensation Board, the Bureau of Health, the Bureau of Insurance and the Bureau of Labor Standards shall study the unique issues involved in providing workers' compensation benefits to employees under the Occupational Disease Law and make recommendations as necessary to ensure that the purposes of the Workers' Compensation Act of 1992 are achieved with respect to occupational diseases. The particular topics to study must include issues related to proof of causation when the occupational disease is thought to arise from exposure to hazardous materials; unique problems arising when there is a prolonged period between exposure to the hazardous material and the onset of disease; apportionment of liability for occupational diseases; and the provision of benefits in cases where the employee has not lost any time from work. The groups may rely on their staffs to conduct this study and may also request the assistance without pay of any other person or group in providing information for this study; and be it further

Sec. 2. Report and recommendations. Resolved: That the groups named in section 1 shall report by January 15, 1999 to the joint standing committee of the Legislature having jurisdiction over labor matters on the study conducted pursuant to section 1. The report must contain a discussion of the

issues, alternative approaches that may be taken to address any problems identified, a recommended definition for occupational disease, a recommendation for tracking data on occupational diseases and any other recommendations considered necessary. The groups may submit with the report legislation necessary to implement their recommendations.

See title page for effective date.

CHAPTER 95

H.P. 1507 - L.D. 2129

Resolve, to Approve a Maine Technical College System Lease with the South Portland Housing Authority

Sec. 1. Lease with South Portland Housing Authority. Resolved: That the Legislature does hereby authorize the South Portland Housing Authority, its designee or its authorized entity and the Maine Technical College System to enter into a 40-year land lease to enable the South Portland Housing Authority, its designee or its authorized entity to construct low-income and moderate-income, elder-care housing on property currently owned by the Maine Technical College System. The initial term of that lease may not exceed 40 years.

See title page for effective date.

CHAPTER 96

H.P. 1577 - L.D. 2210

Resolve, Regarding Legislative Review of Chapter 890: Consumer Complaint Ratios, a Major Substantive Rule of the Department of Professional and Financial Regulation

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 890: Consumer Complaint Ratios, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation, and 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 March 23, 1998.

CHAPTER 97

S.P. 809 - L.D. 2187

Resolve, to Name the New Bridge on Route 157 in Medway the Harold C. Beathem Bridge

Sec. 1. New Route 157 bridge in Medway named. Resolved: That the new Route 157 bridge over the East Branch of the Penobscot River in Medway be known as the Harold C. Beathem Bridge in honor of the valued contributions Harold C. Beathem made as a community leader to the betterment of Medway.

See title page for effective date.

CHAPTER 98

H.P. 1581 - L.D. 2211

Resolve, to Repeal a Prior Resolve Authorizing the Exchange of a Parcel of Land Owned by the State with One Owned by Luke Bolduc

Sec. 1. Resolve 1995, c. 62, repealed. Resolved: That Resolve 1995, c. 62 is repealed; and be it further