

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 Section 71.05(F)(11)-(13) of the Bureau of Elder and Adult Services Policy Manual, a provisionally adopted major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized but only if the rule is amended as follows: The reference in Section 71.05(F)(13) subsection (b) to Section 71.05(D)(6) subsection (a) must be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority, the Maine Revised Statutes, Title 22, section 304-F, subsection 2.

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

Effective April 2, 1998.

CHAPTER 111

H.P. 1607 - L.D. 2234

Resolve, Regarding Legislative Review of Rules Governing the Implementation of Hypodermic Apparatus Exchange Programs, a Major Substantive Rule of the Department of Human Services

Sec. 1. Adoption. Resolved: That final adoption of rules governing the implementation of hypodermic apparatus exchange programs, a provisionally adopted major substantive rule of the Department of Human Services, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized, with the following amendments to the rules.

1. The rules must require the applicant who signs the application for certification of a needle exchange program on behalf of a corporation or other entity to be the individual or individuals with the

ultimate responsibility for ensuring that the program operates in compliance with the rules.

2. The rules must require each program to notify the Bureau of Health in writing within 10 working days of changes of: ownership; location, address or telephone number; or administrator, management or staff of the program.

3. The rules must specifically prohibit the assignment or transfer of program certification.

See title page for effective date.

CHAPTER 112

H.P. 1650 - L.D. 2281

Resolve, Regarding Legislative Review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, Major Substantive Rules of the Department of Human Services, Auditing, Contracting and Licensing Service 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, 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 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, a provisionally adopted major substantive rule of the Department of Human Services, Auditing, Contracting and Licensing Service