

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

Center, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized, but only if Chapter 33 is amended as follows: Chapter 33: Rules for Home Day Care Providers must be amended to include a provision that no child may be required to be immunized if the child's parent states in writing that it is contrary to the child's religious teachings and practice or if the child's physician submits documentation that such immunization is medically contraindicated. The rule must also include a provision that in the event of a disease outbreak, a child not vaccinated for religious or medical reasons must be excluded from the home day care until the outbreak no longer exists or until the child receives the necessary immunization.

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

Effective April 3, 1998.

CHAPTER 113

H.P. 1611 - L.D. 2237

Resolve, Regarding Legislative Review of Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, a Major Substantive Rule of the Public Utilities Commission

Sec. 1. Adoption with amendment. Resolved: That the final adoption of Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, a provisionally adopted major substantive rule of the Public Utilities Commission and submitted for review pursuant to the Maine Administrative Procedure Act, is authorized only if the rule is amended as follows:

1. Provisions relating to the calculation of the value of good will used by an affiliate are modified:
 - A. To require the Public Utilities Commission to establish for an initial 3-year period an annual amount that must be paid by the affiliate for the use of good will;
 - B. To require the Public Utilities Commission to reexamine the value of the good will at the end of the initial 3-year period and establish an amount that must be paid by the affiliate for the use of good will for the next 3 years; and
 - C. To establish that the value of good will used by an affiliate at the end of the 6 years is zero;

2. Provisions relating to limitations on investments by utilities in affiliates are modified:

- A. To allow investments by a utility in a regulated affiliate if the utility has not obtained an investment grade bond rating or has filed for a temporary rate increase within 6 months of the utility's filing for approval of the investment, if the utility obtains approval pursuant to the Maine Revised Statutes, Title 35-A, sections 707 and 708, as applicable; and
- B. To allow utilities whose bonds are neither publicly rated nor rated by a private letter bond rating to make investments in affiliates if approved by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 707 and 708, as applicable; and

3. Provisions relating to payments for the use of good will by an affiliate are modified to specify that they apply to affiliates created on or after September 19, 1997, as long as:

- A. The value of the good will and the payments for its use are calculated on a going-forward basis; and
- B. The affiliate is not required to pay any additional amounts for good will used prior to the effective date of the rule.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

See title page for effective date.

CHAPTER 114

H.P. 1606 - L.D. 2233

Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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 231: Rules Relating to Drinking Water, 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; and be it further

Sec. 2. Report; legislation. Resolved: That the Commissioner of Human Services shall monitor issues relating to the contamination of drinking water by methyl tertiary-butyl ether and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000 with a recommendation on whether to retain or lower the maximum contaminant level for methyl tertiary-butyl ether. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to the Second Regular Session of the 119th Legislature regarding the maximum contaminant level for methyl tertiary-butyl ether.

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

Effective April 3, 1998.

CHAPTER 115

H.P. 1615 - L.D. 2241

Resolve, Regarding Legislative Review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human 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 Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, 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 rule.

1. The rule must allow an individual, other than the resident, to voluntarily sign an agreement separate from the contract signed for admission that guarantees payment of the resident's expenses by the individual. If anyone other than the resident informs the assisted living facility that they wish to guarantee payment of the resident's expenses, that person may do so only in a written agreement separate from the contract signed for admission. This separate agreement must be provided to the guarantor of payment 2 days prior to the resident's admission and must plainly state that:

A. The individual should not sign the agreement unless the individual voluntarily agrees to be fi-