

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 303

H.P. 1299 - L.D. 1860

An Act Allowing the Appointment of Temporary Guardians of Minors

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 18-A MRSA §5-207, sub-§(c), as enacted by PL 1979, c. 540, §1, is amended to read:

(c) If necessary, the court may appoint a temporary guardian, with the status of an ordinary guardian of a minor, but the authority of a temporary guardian ~~shall~~ may not last longer than ~~six~~ 6 months.

Notice of hearing on the petition for the appointment of a temporary guardian must be served as provided under subsection (a), except that the notice must be given at least 5 days before the hearing, and notice need not be given to any person whose address and present whereabouts are unknown and cannot be ascertained by due diligence. Upon a showing of good cause, the court may waive service of the notice of hearing on any person, other than the minor, if the minor is at least 14 years of age.

See title page for effective date.

CHAPTER 304

H.P. 1284 - L.D. 1845

An Act to Limit the Imposition of Excise Taxes on Watercraft

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §1504, sub-§3, ¶D, as enacted by PL 1983, c. 632, Pt. A, §8, is amended to read:

D. Beginning April 1, 1984, upon payment of the excise tax, the municipality shall certify on forms provided by the Department of Inland Fisheries and Wildlife that the excise tax has been paid. The municipality may withhold certification that the excise tax has been paid until all outstanding taxes due under this chapter for the current year have been paid.

See title page for effective date.

CHAPTER 305

H.P. 1038 - L.D. 1460

An Act to Allow Sharing of Information for Child Protective Investigations

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 16 MRSA §614, sub-§2, as enacted by PL 1979, c. 433, §2, is amended to read:

2. Exception to this limitation. Nothing in this section ~~shall preclude~~ precludes dissemination of intelligence and investigative information to another criminal justice agency or, for use in the investigation of suspected abuse or neglect, to the Department of Human Services, Bureau of Child and Family Services. Intelligence and investigative information may also be disseminated to an accused person or ~~his~~ that person's attorney, if authorized by:

- A. The District Attorney for the district in which that accused person is to be tried;
- B. A rule or ruling of a court of this State or of the United States; or
- C. The Attorney General.

See title page for effective date.

CHAPTER 306

S.P. 536 - L.D. 1598

An Act Regarding Hospital Cooperation

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1887, as amended by PL 1995, c. 232, §6, is further amended to read:

§1887. Assessment

Except for state-operated mental health hospitals, all hospitals licensed by the department are subject to an annual assessment under this chapter. The department shall collect the assessment. The amount of the assessment must be based upon each hospital's gross patient service revenue. For any fiscal year, the aggregate amount raised by the assessment ~~must be equal to the amount allocated by law to carry out the purposes of this chapter in that fiscal year~~ may not exceed \$200,000. The allocation for the fiscal years 1995-96 and 1996-97 is limited to no more than

~~\$200,000 per year.~~ The department shall deposit funds collected under this section into a dedicated revenue account. Funds remaining in the account at the end of each fiscal year do not lapse but carry forward into subsequent years. Funds deposited into the account must be allocated to carry out the purposes of this chapter.

Sec. 2. Retroactivity. This Act applies retroactively to July 1, 1998.

See title page for effective date.

CHAPTER 307

S.P. 755 - L.D. 2131

An Act to Ensure that Agency Use of Collaborative Decision-making and Stakeholder Processes is Fair and Consistent with the Goals of the Maine Administrative Procedure Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §8002, sub-§3-C is enacted to read:

3-C. Consensus-based rule development process. "Consensus-based rule development process" means a collaborative process when a draft rule is developed by an agency and a representative group of participants with an interest in the subject of the rulemaking.

Sec. 2. 5 MRSA §8051-B is enacted to read:

§8051-B. Consensus-based rule development process

1. Agency authority. An agency may voluntarily engage in a consensus-based rule development process. An agency that develops a draft rule through a consensus-based rule development process retains the sole discretion over whether to submit the rule as a proposed rule and as to the final language of the proposed rule.

2. Initial considerations. As part of a consensus-based rule development process, an agency shall:

A. Establish a representative group of participants with an interest in the subject of the rule-making;

B. Develop ground rules for the operation of the consensus-based rule development process that are mutually acceptable to the agency and the participants;

C. Disclose the funding and time constraints on the agency;

D. Give prior notice of all meetings to the representative group of participants and establish a mechanism for other interested parties to receive notice and information regarding all meetings;

E. Select an agency employee or another individual contracted by the agency to chair or facilitate the meetings; and

F. Distribute a summary and submitted materials from all meetings to the representative group of participants and other interested parties.

3. Record. An agency that engages in a consensus-based rule development process that results in a proposed rule shall maintain:

A. A list of all meetings held, the participants at each meeting and the interests or organizations they represented;

B. A summary of each of the meetings; and

C. A description by the agency of the consensus-based rule development process and an analysis of the decisions that came out of that process, including the extent to which consensus was reached on the decisions.

4. Judicial review. An agency action to engage in or terminate a consensus-based rule development process is not subject to judicial review. This section does not bar judicial review of a rule finally adopted by an agency following a consensus-based rule development process if such a review is otherwise available by law as long as the basis for review is other than procedural error in the consensus-based rule development process.

Sec. 3. 5 MRSA §8060, sub-§1, ¶A, as enacted by PL 1989, c. 547, §8, is amended to read:

A. A list of rules that the agency expects to propose prior to the next regulatory agenda due date and whether the agency anticipates engaging in any consensus-based rule development process;

Sec. 4. Department of Labor to develop best practices guidelines. By April 15, 2000, the Department of Labor shall convene a working group consisting of representatives of state agencies that routinely employ consensus-based rule development processes and a representative of an organization representing dispute resolution professionals. The working group shall develop best practices guidelines