

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

shall convey the property to the Town of Edmunds to be used exclusively for public purposes.

Tax Map Number 5, Lots 8 and 13, to be incorporated into Bradbury Mountain State Park.

See title page for effective date.

See title page for effective date.

CHAPTER 12

H.P. 722 - L.D. 1012

Resolve, to Increase Public Trust in Medical Care

Sec. 1. Rules. Resolved: That, by January 1, 2000, the Department of Human Services shall adopt rules regarding the wearing of identification badges by persons who provide services in health care facilities licensed by the department. In adopting the rules, the Commissioner of Human Services shall consider the goal of increasing information available to consumers of health care services. If the rules require certain employees to wear identification badges in some situations in some facilities, the rules must contain exceptions for situations in which wearing an identification badge would create a safety hazard. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 13

H.P. 1045 - L.D. 1467

Resolve, to Authorize the Director of the Bureau of Parks and Lands to Exchange Land between the State and Pownal Relating to Bradbury Mountain State Park

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate 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.

Sec. 1. Authorize Director of Bureau of Parks and Lands to exchange land between State and Pownal relating to Bradbury Mountain State Park. Resolved: That the Director of the Bureau of Parks and Lands is authorized to exchange 1.5 acres of land owned by the State located in Bradbury Mountain State Park, further described on Pownal Tax Map Number 5, Lot 39.01, with the Town of Pownal for 5.4 acres of land owned by the Town of Pownal, further described in Pownal

CHAPTER 14

H.P. 469 - L.D. 632

Resolve, Regarding Legislative Review of Chapter 64: Maine School Facilities Finance Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education

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 64: Maine School Facilities Program and School Revolving Renovation Fund, 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 amendments.

In order to reaffirm the intent of the Legislature expressed in Public Law 1997, chapter 787, sections 12 and 13, in establishing the Maine School Facilities Finance Program and the School Revolving Renovation Fund, the department shall amend the provisionally adopted rule in the part designated Section 2, subsection C, paragraph 8 (p. 3 of the rules) to read as follows:

8) evidence of consultation with the local planning board and with the State Planning Office for projects with potential site impact

The department shall also amend the provisionally adopted rule in the part designated Section 4, subsection D, paragraph 3, subparagraph e (p. 9 of the rules) to read as follows:

e) State Planning Office analyses for ~~new construction~~ projects with potential site impact; and

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

Effective April 16, 1999.

CHAPTER 15

H.P. 298 - L.D. 406

Resolve, Regarding Legislative Review of Chapter 125: Health Care Information that Directly Identifies an Individual, Major Substantive Rules of the Maine Health Data Organization

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 rules have 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 rules; 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 125: Health Care Information that Directly Identifies an Individual, provisionally adopted major substantive rules of the Maine Health

Data Organization and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized provided that the rule is amended to become effective on October 1, 1999.

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

Effective April 30, 1999.

CHAPTER 16

S.P. 130 - L.D. 327

Resolve, to Study Limited Effort in the Scallop Fishery

Sec. 1. Report; legislation. Resolved: That the Commissioner of Marine Resources shall study limited effort in the scallop fishery and submit a report with the commissioner's findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. In developing the findings and recommendations, the commissioner shall consult with representatives of the scallop fishing industry and other interested parties. The Joint Standing Committee on Marine Resources may report out legislation during the Second Regular Session of the 119th Legislature regarding limited effort in the scallop fishery.

See title page for effective date.

CHAPTER 17

H.P. 65 - L.D. 78

Resolve, Establishing the Replacement Simultaneously of State Correctional Facilities in Cumberland and Washington Counties as the First Priority If Additional General Obligation Bond Issues or Lease Appropriation Bonds are Authorized by the Legislature

Sec. 1. Replacement of state correctional facilities in Cumberland and Washington counties. Resolved: That the first priority of the State, in authorizing new state correctional facilities to be financed in part or in whole with general obligation bonds or lease appropriation bonds issued by the Maine Governmental Facilities Authority, is the replacement simultaneously of state correctional