

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

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

facilities in Cumberland County and Washington County.

See title page for effective date.

CHAPTER 18

H.P. 195 - L.D. 273

Resolve, Requiring the Commissioner of Transportation to Report to the Joint Standing Committee on Transportation on Recreational Access to Water Bodies and Snowmobile Access Across Bridges

Sec. 1. Reports in 2001 and 2003. Resolved: That the Commissioner of Transportation shall report in writing to the joint standing committee of the Legislature having jurisdiction over transportation matters in February 2001 and February 2003 on the progress of interagency efforts to address the need for public and recreational access to water bodies at water crossings and properties adjacent to water and snowmobile access across bridges.

See title page for effective date.

CHAPTER 19

S.P. 192 - L.D. 581

Resolve, to Ensure Proper Funding of the Public Utilities Commission

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is necessary that the Public Utilities Commission have sufficient funds to carry out its statutory obligations; 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. Use of unexpended funds. Resolved: That, notwithstanding the Maine Revised Statutes, Title 35-A, section 116, subsection 5, the Public Utilities Commission may expend in fiscal year 1999-00 and fiscal year 2000-01, for the purposes specified in Title 35-A, section 116, subsection 4, 100% of any unexpended funds remaining at the end

of the prior fiscal year. Treatment of funds not expended at the end of the 2000-01 fiscal year is governed by Title 35-A, section 116, subsection 5; and be it further

Sec. 2. Allocation. Resolved: That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
PUBLIC UTILITIES COMMISSION		
Public Utilities Commission Regulatory Fund		
Personal Services	\$86,950	\$91,300
All Other	(86,950)	(91,300)
Provides funds to continue a limited-period Utility Analyst position related to the gas industry expansion through the 2000-2001 biennium. This position was established by FO 02425 F9, which was approved on 8/18/98.		

PUBLIC UTILITIES COMMISSION TOTAL

\$0

\$0

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

Effective May 4, 1999.

CHAPTER 20

H.P. 1543 - L.D. 2197

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1999

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