

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

prepared by a licensed professional forester; and attendant roads and parking. The property must be maintained in an essentially natural and undeveloped condition, except that up to 25 contiguous acres in the aggregate, including any development in existence on the effective date of this resolve, may be developed for any public outdoor recreation facility used for the purposes provided in this section that is sponsored by the municipality. The following uses are expressly prohibited: residential development of any type; development for overnight accommodations, except camping; development for any type of commercial service center, shops, restaurants or other commercial development; or development for any purpose that will change the natural character of the area, except that those uses presently made of the Outdoor and Touring Center located on the property may continue. If the Town of Carrabassett Valley fails to comply with any of the conditions or restrictions, in whole or in part, contained in this resolve, the State may give written notice to the Town of Carrabassett Valley, and if the Town of Carrabassett Valley fails to comply within 30 days, then the title to the property reverts to the State; such a reversion may not be effective until the State records a notice of the reversion in the Franklin County Registry of Deeds.

Sec. 5. Management operations. Resolved: That any management operations, including but not limited to, timber harvesting operations, that the State may have scheduled before the signing of an agreement between the Director of the Bureau of Parks and Lands on behalf of the State and the Town of Carrabassett Valley must be allowed to proceed and all revenue derived from these operations accrues to the State until the delivery of the deed.

See title page for effective date.

CHAPTER 42

H.P. 569 - L.D. 790

Resolve, Regarding Legislative Review of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a Major Substantive Rule 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, 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 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a provisionally adopted major substantive rule of the Public Utilities Commission, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is not authorized.

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

Effective May 20, 1999.

CHAPTER 43

H.P. 1536 - L.D. 2189

Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, 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 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.

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

Effective May 20, 1999.

CHAPTER 44

H.P. 1535 - L.D. 2188

Resolve, Regarding Legislative Review of Certain Sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, 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 certain sections of Chapter II, Section 67,

Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, 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.

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

Effective May 20, 1999.

CHAPTER 45

H.P. 1184 - L.D. 1694

Resolve, to Direct the Maine State Museum and the Maine Historic Preservation Commission to Include, Consult and Involve Local Historical Societies and Affected Municipalities in the Recovery and Local Display of Certain Revolutionary War Artifacts

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

Whereas, Revolutionary War vessels of potential historical significance are submerged in the Penobscot River near the cities of Brewer and Bangor and other municipalities located along the shores of the Penobscot River; and

Whereas, salvage of those vessels will contribute to the historical record of the State and an understanding of important events in the formation of our nation; and

Whereas, the possibility exists that private or public dredging of the Penobscot River in the area where the vessels are submerged may occur in the future in order to ensure unimpeded passage of vessels on the river; and

Whereas, the Maine State Museum and the Maine Historic Preservation Commission are charged with ensuring the proper recovery, restoration and preservation of archaeological artifacts under the Maine Revised Statutes, Title 27, chapter 2; 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