

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Regulation Commission shall consult with the Commissioner of Conservation to coordinate the standards related to timber harvesting activities with the standards related to the cutting and removal of vegetation other than timber harvesting.

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A and must be provisionally adopted and submitted to the Legislature no later than January 2, 2002 for review; and be it further

Sec. 2. Legislation authorized. Resolved:

That the joint standing committee of the Legislature having jurisdiction over natural resources matters may report out a bill to the Second Regular Session of the 120th Legislature to amend provisions in the Maine Revised Statutes, Title 12, chapter 206-A administered by the Department of Conservation, Maine Land Use Regulation Commission and in Title 38, chapter 3, subchapter I, articles 2-B and 5-A administered by the Department of Environmental Protection to clarify the authority of these agencies to regulate the cutting or removal of vegetation and to resolve inconsistencies between the rules adopted pursuant to section 1 and those statutes; and be it further

Sec. 3. Education initiative. Resolved:

That after rules are adopted pursuant to section 1, the Department of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission and Bureau of Forestry shall jointly develop and implement an educational initiative to inform the public in all areas of the State about the standards for the cutting and removal of vegetation.

See title page for effective date.

CHAPTER 117

H.P. 1910 - L.D. 2658

**Resolve, Regarding Legislative
Review of Chapter 1: Rights of
Recipients of Mental Health Services
Who are Children in Need of
Treatment, Section A-VII, Rights to
Due Process With Regard to
Grievances and Section A-IX,
Confidentiality of and Access to
Mental Health Records, a Major
Substantive Rule of the Department
of Mental Health, Mental
Retardation and Substance Abuse
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 Revised Statutes, 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 1: Rights of Recipients of Mental Health Services Who are Children in Need of Treatment, Section A-VII, Rights to Due Process With Regard to Grievances and Section A-IX, Confidentiality of and Access to Mental Health Records, a provisionally adopted major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

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

Effective April 14, 2000.

CHAPTER 118

H.P. 1913 - L.D. 2659

**Resolve, Regarding Legislative
Review of Portions of Sections 61, 62,
63, 68 and 73 of 10-49, Chapter 5,
Bureau of Elder and Adult Services
Policy 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 Revised Statutes, 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 Portions of Sections 61, 62, 63, 68 and 73 of 10-49, Chapter 5, Bureau of Elder and Adult Services Policy Manual, a provisionally adopted major substantive rule of the Department of Human Services, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized if the Department of Human Services amends the rules as follows:

1. With regard to adult day services, Alzheimer's respite, congregate housing services and the home-maker program in sections 61, 62, 63, 68 and 73, a requirement is added that consumers who may qualify for a waiver be informed of the right to apply for a waiver; and

2. With regard to in-home and community support services and personal care assistance for severely physically disabled adults, reference to determination of the dependent allowance in agreement with the method used in the Medicaid program is added in sections 63.09(C) and 73.07(C).

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

Effective April 14, 2000.

CHAPTER 119

S.P. 956 - L.D. 2497

Resolve, to Ensure Adequate District Court Facilities for Western York County

Sec. 1. Maine Governmental Facilities Authority authorized to issue additional securities to replace the Springvale District Court. Resolved: That, pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2, the Maine Governmental Facilities Authority is authorized to issue additional securities in its own name in an amount of \$1,200,000 on or after July 1, 2001 for the purpose of replacement of the Springvale District Court.

See title page for effective date.

CHAPTER 120

S.P. 1029 - L.D. 2609

Resolve, to Ensure Adequate Funding for the Lewiston District Court

Sec. 1. Maine Governmental Facilities Authority authorized to issue additional securities to replace the Lewiston District Court. Resolved: That, pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2, the Maine Governmental Facilities Authority is authorized to issue additional securities in its own name in an amount of \$2,000,000 on or after July 1, 2001 for the purpose of replacement of the Lewiston District Court.

See title page for effective date.

CHAPTER 121

S.P. 1017 - L.D. 2585

Resolve, to Establish the National Guard Education Assistance Pilot Program

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 National Guard is a valuable resource for the State of Maine; and

Whereas, those in service to Maine deserve to be recognized and rewarded for their service; and

Whereas, it is imperative that this legislation take effect in time to allow members of the Maine National Guard to attend classes in the summer; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of