

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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NON-EMERGENCY LAWS IS
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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
2001

CHAPTER 184**S.P. 68 - L.D. 264****An Act Regarding the State's Land
Use Mediation Program**

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

Sec. 1. 2 MRSA §8, as amended by PL 1997, c. 393, Pt. A, §1, is further amended to read:

§8. Land use mediation; obligation to participate

Agencies within the executive branch shall participate in mediation under Title 5, chapter 314, subchapter II, when requested to participate by the Court Alternative Dispute Resolution Service. ~~This section is repealed October 1, 2001.~~

Sec. 2. 4 MRSA §18-B, sub-§10, as enacted by PL 1997, c. 393, Pt. A, §5, is amended to read:

10. Land use mediation. The land use mediation program is a program within the Court Alternative Dispute Resolution Service.

A. The Director of the Court Alternative Dispute Resolution Service shall administer the land use mediation program established in Title 5, chapter 314, subchapter II.

B. A land use mediation fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter II must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter II.

~~This subsection is repealed October 1, 2001. Any balances remaining in the land use mediation fund must be transferred to a nonlapsing account within the Judicial Department to be used to defray mediation expenses.~~

Sec. 3. 5 MRSA §3331, sub-§5, as amended by PL 1997, c. 393, Pt. A, §10, is further amended to read:

5. Reporting on the land use mediation program. The council shall report by December 1, 1998 ~~and~~ December 1, 2000, December 1, 2003 and every 2 years thereafter to the Governor, the Administrative Office of the Courts, the Executive Director of the Legislative Council and the Director of the Court Alternative Dispute Resolution Service on the operation and effectiveness of the land use mediation

program established under subchapter II. The reports must list the number and type of mediation requests received, the number of mediation sessions conducted, the number of signed mediation agreements, a summary of the final disposition of mediation agreements, a narrative discussion of the effectiveness of the program as determined by the council, a summary of deposits and expenditures from the land use mediation fund created in Title 4, section 18-B, subsection 10 and any proposals by the council with respect to the operation, improvement or continuation of the mediation program. ~~This subsection is repealed October 1, 2001.~~

Sec. 4. 5 MRSA §3341, sub-§14, as enacted by PL 1995, c. 537, §5, is repealed.

See title page for effective date.

CHAPTER 185**H.P. 1044 - L.D. 1401****An Act to Amend the Health Care
Facility Immunization Laws**

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

Sec. 1. 22 MRSA §802, sub-§4, as amended by PL 1999, c. 378, §1, is repealed.

Sec. 2. 22 MRSA §802, sub-§§4-A and 4-B are enacted to read:

4-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Designated health care facility" means a licensed nursing facility, residential care facility, intermediate care facility for the mentally retarded, multi-level health care facility, hospital or home health agency.

B. "Disease" means one of those conditions enumerated in rules adopted by the department that may be preventable by an immunizing agent.

C. "Employee" means any person who performs a service for wages or other remuneration for a designated health care facility.

D. "Immunizing agent" means a vaccine, anti-toxin or other substance used to increase an individual's immunity to a disease.

4-B. Exemptions to immunization. Employees are exempt from immunization otherwise required by this subchapter or by rules adopted by the department