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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TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
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2. Duties; responsibilities. The directors of the initiative shall:

A. Establish a coordinated state government environmental plan to ensure that:

(1) All agencies comply with state and federal environmental laws; and

(2) Environmentally sustainable practices are incorporated into state government planning, operations and regulatory functions;

B. Establish metrics to measure and assess the environmental compliance and performance of state agencies. In developing those metrics, the directors shall seek to achieve continuous improvement in environmental compliance and performance of all state agencies through:

(1) Pollution prevention;

(2) Improvements in energy efficiency, including facility siting, design, construction and management; and

(3) Procurement of environmentally friendly commodities and services, as assessed on a life cycle basis, including technically comparable, cost-effective and reasonably available alternatives to products that may release dioxin or mercury to the environment, recycling of waste products and enhanced fleet efficiency;

C. Advise and assist state agencies in developing environmental compliance audits and plans and in implementing those plans;

D. Advise the Governor and the Legislature in the formulation of policies for the effective achievement of initiative goals; and

E. Ensure that the capital master plan established under Title 5, section 299 is implemented in a manner consistent with the initiative.

3. Responsibilities of state agencies. State agencies shall cooperate with the directors in implementing the initiative and shall provide staff assistance and technical support upon request. In addition, each state agency shall:

A. Complete or demonstrate completion of an audit of its facilities to determine compliance with applicable state and federal environmental laws;

B. Develop a biennial plan that outlines the actions the agency will take to incorporate compliance efforts and environmentally sustainable practices into its planning and operational functions. To facilitate incorporation into the biennial budget process, these plans must be submitted to the directors prior to June 1st of each even-numbered year, beginning in 2002;

C. Appoint an employee in the agency to be responsible for ensuring the development and implementation of agency activities under the initiative; and

D. Establish standards for leasing or building state facilities consistent with the initiative.

Each agency shall fund costs associated with implementing this initiative from within existing budgeted resources.

4. Reporting. Beginning on January 1, 2003, and biennially thereafter, the directors shall jointly report on the activities of all state agencies under the initiative to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over state government matters. The report must identify the successes of and the obstacles to implementation of the initiative and may include recommendations for any statutory changes necessary to accomplish the initiative.

See title page for effective date.

CHAPTER 334

S.P. 569 - L.D. 1733

An Act to Prohibit the Misbranding of Genetically Engineered Food

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

Sec. 1. 7 MRSA c. 101, sub-c. VII is enacted to read:

SUBCHAPTER VII

LABELING FOODS FREE OF GENETIC ENGINEERING

§530-A. Voluntary labeling

1. Labeling permitted; rules. Beginning January 1, 2002, a label may be placed on any food, food product or food ingredient offered for sale in the State designating that food, food product or food ingredient as free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering. The department shall adopt rules implementing this subsection. The rules must allow

any food 1% or less of which consists of genetically engineered ingredients to be labeled as free of genetically engineered ingredients. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

2. Department verification. The department may investigate a business operation that claims a food, food product or food ingredient sold in the State by the business operation is free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering for the purposes of verifying the claim.

3. Misbranding. If a manufacturer, distributor, processor, wholesaler or retailer falsely labels or advertises any food, food product or food ingredient offered for sale in the State as free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering, the food, food product or food ingredient is misbranded in violation of section 488.

Sec. 2. Rules. In adopting rules implementing the Maine Revised Statutes, Title 7, section 530-A, subsection 1, the Department of Agriculture, Food and Rural Resources shall base its proposed rule on the United States Food and Drug Administration "Draft Guidance for Industry: Voluntary Labeling Indicating Whether Foods Have or Have Not Been Developed Using Bioengineering," set forth in the Federal Register on January 18, 2001, Vol. 66, No. 12, pages 4839-4842.

See title page for effective date.

CHAPTER 335

H.P. 377 - L.D. 479

An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability

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

Sec. 1. 22 MRSA §3785-A is enacted to read:

§3785-A. Sanction process

Prior to imposing a sanction against an individual, the department must complete the sanction process, which includes the following.

1. Procedures. Prior to imposing a sanction against an individual for failure to comply with Temporary Assistance for Needy Families or ASPIRE-TANF rules, the department shall:

A. Thoroughly review the circumstances of the individual;

B. Provide the individual with a notice that states the basis for the sanction and a complete list of good cause reasons as set forth in section 3785;

C. Provide the individual with an opportunity to inform the department of good cause circumstances under section 3785; and

D. Obtain supervisory approval of the recommendation of the case manager to impose a sanction.

2. Information and report. The department shall maintain the following data, compiled and maintained by county and by calendar month, regarding the imposition of sanctions:

A. The number of sanctions recommended by case managers to supervisors; and

B. The number of sanctions denied or approved and imposed by the department.

3. Rulemaking. The department shall adopt rules to implement the sanction procedures required by this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

Sec. 2. 22 MRSA §3788, sub-§3, as amended by PL 1997, c. 530, Pt. A, §26, is further amended to read:

3. Assessment. Each participant's case manager shall conduct an assessment to determine that individual's education, training and employment needs based on available program resources, the participant's skills and aptitudes, the participant's need for supportive services, local employment opportunities, the existence of any good cause circumstances under section 3785 and, to the maximum extent possible, the preferences of the participant. The department shall document findings in the participant's case record indicating any barriers to participation, including, but not limited to, any physical or mental health problems or other good cause circumstances specified in section 3785.

Sec. 3. 22 MRSA §3788, sub-§11, ¶D is enacted to read:

D. If a claim of disability or other good cause is made by a participant, the department shall assess the circumstances of the claim. If good cause is found to exist, the department shall offer