

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

Executive Director of the Maine State Retirement System certifies to the Governor, the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources that the amount of the full actuarial cost of the increased value of that service has been accumulated in the Wardens Benefit Reserve Account.

PART SS

Sec. SS-1. Home-based care program. To the extent that budgeted resources permit and to the extent that there is no waiting list in the home-based care program, the Department of Human Services shall provide a limited-respite benefit for persons eligible for the Medicaid Private Duty Nursing and Personal Care Services program.

Sec. SS-2. Rules. The Department of Human Services shall amend the rules for the Medicaid Private Duty Nursing and Personal Care Services program to create an additional level of care to accommodate consumers whose care needs exceed the current per person monthly expenditure cap.

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

Effective March 25, 2002.

CHAPTER 560

H.P. 1576 - L.D. 2082

An Act to Amend the Subdivision Review Criteria for Traffic

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

Sec. 1. 30-A MRSA §4404, sub-§5, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

See title page for effective date.

CHAPTER 561

S.P. 657 - L.D. 1849

An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites

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

Sec. 1. 10 MRSA §1023-M, sub-§2, as amended by PL 2001, c. 356, §7, is further amended to read:

2. Eligibility to participate in loan program.

The authority may use money in the fund to carry out any power of the authority under this section or under section 1026-S, including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans or deferred loans for all or part of the costs of the Plymouth waste oil site remediation study, past cost settlement and time-critical removal action costs when the authority determines that:

A-1. The applicant has been identified by the United States Environmental Protection Agency as a potentially responsible party with respect to the waste oil disposal site and the applicant is alleged by the United States Environmental Protection Agency to have generated waste oil from an address or location within the State;

B. The applicant has signed the Administrative Order by Consent pursuant to United States Environmental Protection Agency Docket No. CERCLA 1-2000-0004;

B-1. The applicant has signed the West Site/Hows Corner RI/FS Group Agreement;

B-2. The applicant has entered into a consent decree with the United States and the State regarding past cost settlement at the Plymouth waste oil disposal site and the applicant is a participant in that consent decree or the applicant has entered into an inability-to-pay settlement with the United States Environmental Protection Agency;

C. The applicant is not a state or federal agency; and

D. There is a reasonable likelihood that the applicant will be able to repay the loan.

Money in the fund may not be used for attorney's fees associated with costs of the Plymouth waste oil site