

# 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 TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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 4****S.P. 39 - L.D. 207****Resolve, Authorizing the  
Commissioner of Administrative and  
Financial Services to Purchase Land  
in Charleston, Maine**

**Sec. 1. Purchase land. Resolved:** That the State, by and through the Commissioner of Administrative and Financial Services, is authorized to purchase, in an amount not to exceed \$90,000, property in the Town of Charleston, designated by Map 10, Lot 4 on tax maps for the Town of Charleston, said property also being described in a deed from Donald C. Berry to Elizabeth Kenny and Wilfred L. Kenny dated March 23, 1994 and recorded in Book 5588, Page 99, Penobscot County Registry of Deeds.

See title page for effective date.

---

**CHAPTER 5****H.P. 6 - L.D. 6****Resolve, Regarding Legislative  
Review of Chapter (unassigned):  
Rules Providing for the Licensing of  
Child Placing Agencies With and  
Without Adoption Programs,  
Addition of Home Certification  
Process, a Major Substantive Rule of  
the Department of Human Services,  
Community Services Center**

**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 (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a provisionally adopted major substantive rule of the Department of Human Services, Community Services Center, 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 rules are amended in Section 2, Certification Procedures, paragraph C by adding after the first sentence 2 sentences to read: "A decision under this paragraph must be made by the Agency within 30 days of receipt of the information required for a decision on the application under paragraph B. For reasons of the best interests of the child, a decision under this paragraph may be extended for an additional 30-day time period."

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

Effective April 11, 2001.

---

**CHAPTER 6****H.P. 179 - L.D. 190****Resolve, to Require the Building of a  
Full Boat Launch on the Northern  
End of Cobbosseecontee Lake**

**Sec. 1. Full access boat launch. Resolved:** That the Department of Inland Fisheries and Wildlife shall build a full access boat launch and docking area with accompanying parking facilities at the site of the existing boat launch located in East Winthrop on the northern end of Cobbosseecontee Lake.

See title page for effective date.

---

**CHAPTER 7****H.P. 265 - L.D. 343****Resolve, Authorizing the Department  
of Marine Resources to Convey by  
Transfer and Easement to the  
Boothbay Harbor Sewer District the  
State's Interest in Certain Property  
on McKown Point in West Boothbay  
Harbor**

**Sec. 1. Department of Marine Resources authorization. Resolved:** That the Department of Marine Resources may transfer to the Boothbay Harbor Sewer District that portion of sewerage

facilities that serve McKown Point in West Boothbay Harbor, not including any land or sewerage facilities that are the collector for the department-owned facilities on department-owned land on McKown Point. The department may convey by easement interest in land on which those sewerage facilities are located.

See title page for effective date.

**CHAPTER 8**

**H.P. 199 - L.D. 229**

**Resolve, Directing the Department of Inland Fisheries and Wildlife to Submit a Proposal to Encourage the Harvest of Coyotes**

**Sec. 1. Department of Inland Fisheries and Wildlife to submit a proposal to encourage the harvest of coyotes. Resolved:** That the Department of Inland Fisheries and Wildlife shall undertake a review of its animal damage control program and associated policies as they relate to the deployment of trappers to snare coyotes from deer yards during the winter months and other related matters. Program accomplishments, shortfalls, concerns and opportunities must be identified in consultation with regional coyote snaring steering committees already established by the department. The department shall present a report of the review to the Joint Standing Committee on Inland Fisheries and Wildlife by October 1, 2001, along with specific plans describing the nature of the program that the department will implement during the winter of 2001-02 in areas where predation by coyotes is posing a threat to deer.

See title page for effective date.

**CHAPTER 9**

**H.P. 22 - L.D. 22**

**Resolve, Regarding Legislative Review of Chapter 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education**

**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 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A, is authorized only if the rule is amended as follows.

1. The rule must be amended to provide that the local policy must be reviewed at least annually.
2. The rule must be amended to require the documentation of a timeout room or therapeutic restraint be provided to the program administrator within 2 school days.
3. The rule must be amended to delete from the definition of "aversive therapy or treatment" the terms "loud noises" and "humiliating practices." The definition must also be amended to delete the unnecessary "etc." that is at the end of the examples of prohibited aversive therapy or treatment.

The Department of Education is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective May 8, 2001.