

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

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

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.