

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

and include their feedback in the assessment process; and be it further

Sec. 4. Funding. Resolved: That the commissioner may accept grants and donations for the work required pursuant to this resolve and expend those funds as necessary to accomplish the purpose of this resolve. In the event that adequate funds are not secured, the commissioner may at the commissioner's discretion terminate this work; and be it further

Sec. 5. Report required. Resolved: That the commissioner shall submit a report of work conducted in response to this resolve and any findings and recommendations to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 2, 2003.

See title page for effective date.

CHAPTER 34

S.P. 536 - L.D. 1667

Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Master plan" means the Augusta State Facilities Master Plan, the official version of which is held by the Department of Administrative and Financial Services, Bureau of General Services; and be it further

Sec. 2. Adoption. Resolved: That the master plan concepts for the East Campus, West Campus and Stevens School in Hallowell are adopted pursuant to Resolve 1989, chapter 60 and the Maine Revised Statutes, Title 5, section 302; and be it further

Sec. 3. Modifications. Resolved: That modifications to the master plan must be approved by the Capitol Planning Commission. Modifications must be reported to the Legislature every 2 years; and be it further

Sec. 4. Consistency. Resolved: That before a project is undertaken within the master plan area, the agency undertaking the project shall present an analysis of the project's consistency with the Master Plan; and be it further

Sec. 5. Outdoor lighting. Resolved: That the Maine Revised Statutes, Title 5, section 1769 does not apply to East Campus or West Campus lighting.

See title page for effective date.

CHAPTER 35

S.P. 591 - L.D. 1766

Resolve, to Authorize the Northern Maine Technical College to Transfer .26 Acres of Land to the City of Presque Isle to Ensure Road Safety

Preamble. Whereas, the City of Presque Isle and the Presque Isle Industrial Council desire to realign a roadway to ensure the safer flow of traffic on a roadway abutting the Northern Maine Technical College campus; and

Whereas, the City of Presque Isle and the Presque Isle Industrial Council have agreed to provide certain accommodations to the Northern Maine Technical College in exchange for the college transferring approximately .26 acres of land to the City of Presque Isle to facilitate the realignment; and

Whereas, state law requires legislative approval of such a transfer from the Maine Technical College System; now, therefore, be it

Sec. 1. Transfer property. Resolved: That the Board of Trustees of the Maine Technical College System, on behalf of the Northern Maine Technical College, is authorized to transfer approximately .26 acres of land to the City of Presque Isle for a consideration determined adequate by the trustees.

See title page for effective date.

CHAPTER 36

H.P. 1305 - L.D. 1769

Resolve, Regarding Legislative Review of Chapter 55.58: Penobscot River Fishing Closure, a Major Substantive Rule of the Department of Marine Resources

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 the final adoption of Chapter 55.58: Penobscot River Fishing Closure, a provisionally adopted major substantive rule of the Department of Marine Resources, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

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

Effective May 22, 2001.

CHAPTER 37

S.P. 199 - L.D. 671

Resolve, to Direct the Bureau of Forestry to Provide Community Forestry Training to Towns

Sec. 1. Training for community forestry. Resolved: That the Bureau of Forestry within the Department of Conservation shall provide community forestry training to towns and local planning boards. The Bureau of Forestry shall develop a model ordinance to provide to towns that are interested in passing an ordinance for community forestry.

See title page for effective date.

CHAPTER 38

H.P. 706 - L.D. 921

Resolve, to Create a State-run Pharmacy Benefits Manager

Sec. 1. Pharmacy benefits management. Resolved: That the Department of Human Services

is authorized to undertake the functions of pharmacy benefits management; and be it further

Sec. 2. Report. Resolved: That, by January 15, 2002, the Department of Human Services shall submit a report and any necessary legislation to the Joint Standing Committee on Health and Human Services. This report must include any information regarding any actions taken by the department with regard to the functions of pharmacy benefits management. The report must also include recommendations for future action by the department.

See title page for effective date.

CHAPTER 39

H.P. 351 - L.D. 441

Resolve, to Expand Access to Certified Nursing Assistant Training Programs

Sec. 1. Expanding access to certified nursing assistant training programs. Resolved: That, by November 1, 2001, the Department of Human Services, the Department of Education and the State Board of Nursing shall amend their policies, procedures, forms and any other necessary documents to permit the following practices for students applying for or currently enrolled in the Department of Education and the State Board of Nursing's prescribed curriculum for nursing assistant training programs to the extent compatible with federal law and regulation:

1. A student's employer may pay the full cost of the nursing assistant training program;
2. A student's employer may pay the student for the time the student spends fulfilling the requirements of the nursing assistant program; and
3. A student may be employed by the clinical training site or any other health care facility during the nursing assistant training course as long as the student is not employed as a nursing assistant and does not provide direct patient care in the course of that employment; and be it further

Sec. 2. Report. Resolved: That the Department of Human Services, the Department of Education and the State Board of Nursing shall report the amendments required pursuant to section 1 of this resolve to the Joint Standing Committee on Health and Human Services no later than November 1, 2001; and be it further

Sec. 3. Restriction on additional costs. Resolved: That the Department of Human Services is not obligated for any additional costs incurred as a