

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

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

result of practices permitted pursuant to section 1 of this resolve.

See title page for effective date.

CHAPTER 40

H.P. 1312 - L.D. 1776

Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife

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 Portions of Chapter 21: Licensing and Registration Agents, a provisionally adopted major substantive rule of the Department of Inland Fisheries and Wildlife, 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 29, 2001.

CHAPTER 41

H.P. 1319 - L.D. 1781

Resolve, Regarding Legislative Review of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, 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 182: Formula for Distribution of Funds to Child Development Services Regional Sites, 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.

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

Effective May 29, 2001.

CHAPTER 42

H.P. 954 - L.D. 1268

Resolve, to Improve Services to Persons with Mental Retardation

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective