

# 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 44

H.P. 1321 - L.D. 1782

**Resolve, Regarding Legislative  
Review of Section 4.04K of Chapter  
4: Regulations for  
Licensing/Certifying of Substance  
Abuse Treatment Programs in the  
State of Maine, a Major Substantive  
Rule of the Department of Mental  
Health, Mental Retardation and  
Substance Abuse Services**

**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 Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a provisionally adopted major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A, is authorized as long as Section 4.04K is made retroactive to April 20, 2001.

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

Effective May 31, 2001.

---

## CHAPTER 45

H.P. 1279 - L.D. 1739

**Resolve, to Implement Additional  
Recommendations of the MCJUSTIS  
Board**

**Sec. 1. Resolve 1997, c. 105, §4, amended. Resolved:** That Resolve 1997, c. 105, §4, as amended by PL 1999, c. 790, Pt. D, §12, and affected by §13, is further amended to read:

**Sec. 4. Reports. Resolved:** That the MCJUSTIS Board shall submit ~~interim reports and proposed legislation to the joint standing committees of the Legislature having jurisdiction over criminal justice matters and judiciary matters by January 1, 1999 and January 1, 2000.~~ The MCJUSTIS Board shall submit a final report and proposed legislation amending the Maine Revised Statutes, Title 17-A to the Legislature and the joint standing committees of the Legislature having jurisdiction over criminal justice matters and judiciary matters by January 31, 2001. The MCJUSTIS Board shall submit proposed legislation amending other criminal and civil violations to the Legislature and to the joint standing committees of the Legislature having jurisdiction over criminal justice matters and judiciary matters by December 15, 2001 and December 15, 2002. The proposed legislation must accomplish the purpose of this resolve without making additional substantive changes to the Maine Revised Statutes. The MCJUSTIS Board may recommend additional legislation. Each committee may report out additional legislation related to the report.

; and be it further

**Sec. 2. Retroactivity. Resolved:** That the section of this resolve that amends Resolve 1997, c. 105, §4 applies retroactively to January 31, 2001.

See title page for effective date.

---

## CHAPTER 46

H.P. 1311 - L.D. 1774

**Resolve, Regarding Legislative  
Review of Chapter 299: Highway  
Driveway and Entrance Rules, Parts  
A and B, a Major Substantive Rule of  
the Department of Transportation**

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a provisionally adopted major substantive rule of the Department of Transportation, 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 to:

1. Limit the application of the noncompact arterial provisions to arterials classified as retrograde arterials or arterial corridors between urban compact areas or service centers that average 5,000 vehicles per day with a posted speed limit of 40 miles per hour or more.
2. Clarify that entrance mitigation provisions apply only when the Department of Transportation determines that the proposed entrance will significantly impact public safety or cause a reduction in the posted speed limit.
3. Revise forestry and farm permit-by-rule provisions to clarify that only the minimum safe-sight standards apply to forestry and farm access. The rule must further clarify that the status of a proposed driveway or entrance as being for forestry and farm activities will be determined by the primary use of the proposed driveway or entrance.
4. Clarify that the limit on the number of entrances per lot on arterials is one 2-way or 2 one-way entrances unless the Department of Transportation determines that more entrances would be safer. The rule must provide an exception to this provision for forestry and farming activities.
5. Reduce and simplify the corner clearance provisions applicable to arterials to a minimum of 125 feet, which can be waived for driveways. The rule must clarify that the Department of Transportation may require greater corner clearance if the department determines it is necessary to prevent a significant impact on public safety or a reduction in the posted speed limit.
6. Simplify the shared-access provisions to clarify the conditions for landowner compliance.

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

See title page for effective date.

---

**CHAPTER 47**

**H.P. 1322 - L.D. 1783**

**Resolve, Regarding Legislative Review of Chapter 60: New School Siting Approval, 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 60: New School Siting Approval, a provisionally adopted major substantive rule of the State Board of Education within 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 June 5, 2001.

---

**CHAPTER 48**

**H.P. 1345 - L.D. 1802**

**Resolve, Regarding Legislative Review of Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a Major Substantive Rule of the State Board 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