

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

**CHAPTER 103****H.P. 1634 - L.D. 2137****Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards**

**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 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a provisionally adopted major substantive rule of the Department of Labor, Bureau of Labor Standards, 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 April 4, 2002.

**CHAPTER 104****H.P. 1603 - L.D. 2104****Resolve, to Further Protect Endangered and Threatened Species Through Better Communication**

**Preamble. Whereas,** the protection of endangered and threatened species and economic vitality are essential to the overall prosperity and health of the State; and

**Whereas,** economic activities within the State can be conducted in a manner that affords protection to endangered and threatened species; and

**Whereas,** timely exchange of information between state agencies and private landowners and foresters is crucial to ensuring economic vitality and the protection of endangered and threatened species; now, therefore, be it

**Sec. 1. The Department of Conservation and the Department of Inland Fisheries and Wildlife directed to cooperate to ensure timely and accurate information exchange. Resolved:** That the Department of Inland Fisheries and Wildlife and the Department of Conservation, referred to in this resolve as "the departments," shall evaluate the current systems of communication between those 2 departments and between those departments and private landowners and foresters regarding the location of endangered and threatened species on private property. The departments shall work with interested parties to identify processes that will ensure that information about endangered and threatened species can be disseminated in a timely manner to affected parties. The departments shall report their findings and any proposed legislation 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 105****H.P. 1631 - L.D. 2134****Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Machias, Maine**

**Sec. 1. Purchase land. Resolved:** That the State, by and through the Commissioner of Administrative and Financial Services, is authorized to purchase property in the Town of Machias, consisting of up to 46 acres, more or less, for the new Downeast Correctional Facility. The property is located at the Machias Industrial Park and includes approximately 25 acres of adjoining acreage and an access road; and be it further

**Sec. 2. Repeal. Resolved:** That this resolve is repealed 3 years after the effective date of this resolve.

See title page for effective date.

**CHAPTER 106**

**H.P. 1641 - L.D. 2144**

**Resolve, Regarding Legislative Review of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office**

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 220: Methodology for Identification of Regional Service Centers, a provisionally adopted major substantive rule of the Executive Department, State Planning Office, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

See title page for effective date.

**CHAPTER 107**

**H.P. 1633 - L.D. 2136**

**Resolve, Regarding Legislative Review of Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education**

**Sec. 1. Adoption. Resolved:** That final adoption of Amendments to Chapter 127: Instructional Program, Assessment and Diploma Requirements, 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 rules are amended as follows.

1. The rules must be amended in Section 4, subsection 4.02, paragraph E by striking the following "as required by applicable federal law and regulations".
2. The rules must be further amended in Section 7, subsection 7.02, paragraph A, subparagraph 1(f) by striking the last 2 sentences in this subparagraph, which read as follows: "One-half credit in Maine studies shall be required if not taken in grades 6, 7 or 8. Instruction shall include Maine history and

geography, the natural, economic and industrial resources of the state and the cultural and ethnic heritage of the state."

3. The rules must be further amended in Section 7, subsection 7.02, paragraph A, subparagraph 4 by striking the word "Programs" and replacing it with the word "Plans" in the last line of the subparagraph.

4. The rules must be further amended in Section 9, subsection 9.02 by adding the word "and" between the words "Health" and "Physical" so that the content standard subject area heading reads "Health and Physical" in the 2nd line of the subsection.

5. The rules must be further amended in Section 10, subsection 10.02, paragraph A by adding the words "and Technology" after the word "Science" so that the content standard subject area heading reads "Science and Technology" in the 3rd line of the paragraph.

See title page for effective date.

**CHAPTER 108**

**S.P. 805 - L.D. 2168**

**Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands**

**Preamble. Whereas,** the Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House; and

**Whereas,** the real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1837 and 1851; now, therefore, be it

**Sec. 1. Director of Bureau of Parks and Lands authorized to sell or convey certain real estate. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey the following properties on such terms and conditions as the director may direct: