

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.

J.S. McCarthy Company
Augusta, Maine
2002

have determined it necessary to enact this measure authorizing the rule that represents a state mandate.

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 rules have 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 rules; 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 126: Immunization Requirements for School Children, a rule of the Department of Human Services, and portions of Chapter 261: Immunization Requirements for School Children, a rule of the Department of Education, provisionally adopted major substantive rules jointly adopted by the Department of Human Services and the Department of Education, that have 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 to add the word "public" before the phrase "health official" when describing who can present a school with a Certificate of Immunization.

2. The rules must be amended to include the school physician along with the superintendent as an individual who can exclude from public school any child or employee who has contracted or has been exposed to a communicable disease.

3. The rules must be amended to change "may not" to "shall not" in the sentence that prohibits a child from returning to school when the child has not received all the required vaccines.

4. The rules must be amended to change "administrators" to "superintendents" when describing with whom the results of a sample survey to identify

problem areas that may be occurring in the completion of school health records will be shared.

5. The rules must be amended to change "regulation of school board" to "regulation of school board policy" when describing the mechanisms by which additional requirements regarding immunization requirements for children can be adopted.

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

Effective April 11, 2002.

CHAPTER 118

H.P. 1635 - L.D. 2138

Resolve, Regarding Legislative Review of Portions of Chapter 750: Standardized Health Plans, Part II HMO Guidelines, a Major Substantive Rule of the Department of Professional and Financial Regulation

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 750: Standardized Health Plans, Part II HMO Guidelines, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation, 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 11, 2002.

CHAPTER 119

S.P. 825 - L.D. 2205

Resolve, to Adjust the Valuation of St. John Plantation as a Result of a Fire

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, on the weekend of March 16th and 17th, 2002, a devastating fire broke out in St. John Plantation; and

Whereas, as a result of the fire, the area has experienced a sudden and severe disruption of valuation; and

Whereas, absent this special legislation, there would be no avenue for the State to calculate an adjusted state valuation for St. John Plantation for the year 2002; 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. State valuation for St. John Plantation for year 2002. Resolved: That, due to the sudden and devastating fire that began in St. John Plantation the weekend of March 16th and 17th, 2002, notwithstanding the Maine Revised Statutes, Title 36, section 208 or 208-A, the State Tax Assessor shall reduce the state valuation for St. John Plantation for the year 2002 to \$10,630,000; and be it further

Sec. 2. State valuation for St. John Plantation for year 2003. Resolved: That St. John

Plantation may request a reduction in its state valuation under the Maine Revised Statutes, Title 36, section 208-A for the year 2003 based on the reduction in value of the sawmill owned by Irving Forest Products without meeting the threshold of the statewide average tax rate under Title 36, section 208-A, subsection 2, paragraph C.

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

Effective April 11, 2002.

CHAPTER 120

H.P. 1735 - L.D. 2214

Resolve, to Establish and Fund the Task Force on Rail Transportation

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is imperative that the study authorized in this legislation begin immediately so that the report may be made in a timely manner; 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. Task force established. Resolved: That the Task Force on Rail Transportation, referred to in this resolve as the "task force," is established to develop a rail transportation policy for the State; and be it further

Sec. 2. Membership. Resolved: That the task force consists of 13 members appointed as follows:

1. Two members of the Joint Standing Committee on Appropriations and Financial Affairs, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

2. Three members of the Joint Standing Committee on Business and Economic Development, 2 of whom are appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;