

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

deposited must, until expended, remain a part of the unemployment fund and, if it will not be immediately expended, must be returned promptly to the account of the State of Maine in the Federal Unemployment Trust Fund.

Sec. 2. Allocation maintaining State unemployment compensation and public employment system. There is allocated out of funds made available to the State under Section 903(d) of the Federal Social Security Act, as amended, the sum of \$9,760,000 in accordance with section 1, to be used under the direction of the Department of Labor, for the purpose of maintaining and operating the State's unemployment compensation and public employment system. The uses include expanded unemployment, employment and labor market information program services for workers and employers; expanded service access options for program customers; toll-free customer access to unemployment services delivered via telephone; consolidation of multiple program information system platforms; federal technology upgrades; and the repair and accessibility under the Americans with Disabilities Act upgrade of the central employment security administration facility in Augusta.

The amount obligated pursuant to this Act may not exceed at any time the amount by which the aggregate of the amounts transferred to the account of the State of Maine pursuant to section 903(d) of the federal Social Security Act exceeds the aggregate of the amounts obligated for administration and paid out for benefits and required by law to be charged against the amounts transferred to the State of Maine account.

Sec. 3. Appropriations and Allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Employment Security Services 0245

Initiative: Allocates funds associated with a portion of the federal Reed Act Distribution funds of 2002 being transferred from the Employment Security Administration Fund to maintain and operate the State's unemployment and employment offices.

Federal Expenditures Fund	2003-04	2004-05
All Other	\$4,000,000	\$1,560,000
Federal Expenditures		
Fund Total	\$4,000,000	\$1,560,000

See title page for effective date.

CHAPTER 24

H.P. 63 - L.D. 55

An Act to Keep Foster Children Safe and Healthy

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Smoking policy. By January 1, 2004, the Department of Human Services shall adopt rules on smoking by foster parents in family foster homes and in foster parents' private vehicles. The rules must include ways to protect foster children from second-hand smoke. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 25

H.P. 1182 - L.D. 1608

An Act To Amend the Charter of the Baileyville Utilities District

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

Whereas, the Baileyville Utilities District and the Town of Baileyville wish to enter into a contract for the management, oversight and billing related to the functions of the sewer department; and

Whereas, it is vital that this be done immediately for the benefit of the people of the town; 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 enacted by the People of the State of Maine as follows:

Sec. 1. P&SL 1975, c. 79, §2 is amended by adding at the end a new paragraph to read:

The district is authorized to contract with the Town of Baileyville for the management, oversight and billing related to the functions of the Town of Baileyville sewer department. The district and the town shall pay reasonable compensation, as the parties

agree, for performing these management services on behalf of the sewer department of the town.

Sec. 2. P&SL 1975, c. 79, §8 is amended to read:

Sec. 8. District and town authorized to make contracts. ~~Said~~ The district, through its trustees, is authorized to contract with persons and corporations, including said the Town of Baileyville, and said the Town of Baileyville is authorized to contract with # the district for the supply of water and electricity for municipal purposes. Said The Town of Baileyville by vote of its town council is authorized to loan said the district an amount not exceeding \$40,000 to be used for engineering, accounting and legal expenses in connection with the organization of the district, acquiring of the assets of Woodland Water and Electric Company and studies and reports in connection therewith with the acquisition. Said The loan or loans shall must be repaid by the district from its initial long-term financing. The district and the town are authorized to make contracts that are necessary to accomplish the purposes set forth in section 2.

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

Effective June 3, 2003.

CHAPTER 26

S.P. 547 - L.D. 1594

An Act Repealing the Charter of the Brewer Water District

Be it enacted by the People of the State of Maine as follows:

Sec. 1. P&SL 1909, c. 265 is repealed.

Sec. 2. P&SL 1945, c. 146, as amended, is repealed.

Sec. 3. P&SL 2001, c. 66, §8-A is enacted to read:

8-A. Water quality. A person may not bathe or wash articles of personal apparel in or upon the waters of Hatcase Pond. A person may not engage in or attempt to engage in boating or fishing in or upon the waters of Hatcase Pond within 2,000 feet of the intake of the City of Brewer. A person may not engage in or attempt to engage in swimming in or upon the waters of Hatcase Pond within 3,000 feet of the intake of the City of Brewer. A person who violates this subsection commits a civil violation for

which a fine or not more than \$500 must be adjudged for each offense. The Department of Inland Fisheries and Wildlife shall enforce this subsection.

See title page for effective date.

CHAPTER 27

S.P. 460 - L.D. 1390

An Act To Suspend Rules of the Board of Dental Examiners Regarding Permission for Public Health Supervision Status

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Suspension of rules. Notwithstanding the Maine Revised Statutes, Title 32, chapter 16, until May 1, 2004, the rules of the Board of Dental Examiners regarding public health supervision status are suspended to the extent that they require a dental hygienist to seek permission from the board to perform work under public health supervision status. Prior to performing work under public health supervision status, a dental hygienist shall give notice to the board that the dental hygienist will be performing such work. The notice must include identification of the site where the work will be performed, the nature of the work and the name of the supervising dentist with whom the dental hygienist has entered into the required public health supervision agreement. The board's public health supervision status rules regarding roles and responsibilities, reporting requirements and reimbursement are not suspended by this section.

See title page for effective date.

CHAPTER 28

H.P. 1199 - L.D. 1620

An Act to Amend the Charter of the New Portland Water District

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

Whereas, the water supply of the New Portland Water District does not meet the United States Environmental Protection Agency's drinking water standards; and

Whereas, the New Portland Water District has just received emergency funding through a United States Department of Agriculture rural development