

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

**Sec. 7. Public Utilities Commission Efficiency Maine program.** The Public Utilities Commission shall develop a plan for using revenues from any increase in the assessment on transmission and distribution utilities pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 4. The plan must include a description of how the funds would contribute to the goals of increasing energy efficiency for program participants and reducing electricity prices for all consumers. The commission shall consider using funds resulting from any increased assessments to increase the per-business incentive cap imposed on large businesses under the business program established pursuant to Title 35-A, section 3211-A.

The commission shall submit its plan, together with any recommendations for increases in the assessment consistent with that plan and any suggested legislation to implement its recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee may report out legislation regarding energy efficiency to the First Regular Session of the 123rd Legislature.

**Sec. 8. Public Utilities Commission analysis of certain programs.** By December 31, 2007, the Public Utilities Commission shall arrange for and complete in accordance with the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 12 an independent evaluation of the following programs established by the commission pursuant to Title 35-A, section 3211-A: the business program, the low-income appliance replacement program and the residential lighting program.

**Sec. 9. Home heating.** The Governor's Office of Energy Independence and Security in the Executive Department shall examine and submit a report concerning the state of home heating in Maine to the Joint Standing Committee on Utilities and Energy by November 30, 2006. The report must include recent trends in:

1. Total statewide and average Maine household annual consumption of heating energy by fuel type;
2. Prices, including taxes, fees and other charges assessed on home heating fuels sold in Maine;
3. Total statewide and average Maine household annual expenditures for home heating by fuel type;
4. Policies and programs to reduce home heating bills currently employed in Maine and outside of Maine, including changes in the Low-income Home Energy Assistance Program to provide benefits to low-income persons whose heating costs are included in their rent;

5. The energy efficiency and cost of home heating equipment sold and used in Maine; and

6. The point of origin for energy sources used in home heating in Maine.

See title page for effective date.

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## CHAPTER 570

H.P. 1351 - L.D. 1910

### An Act To Create Employment Opportunities for People with Disabilities

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

#### PART A

**Sec. A-1. 5 MRSA Pt. 29** is enacted to read:

#### PART 29

#### EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

#### CHAPTER 611

#### DUTIES OF THE STATE

#### §23001. Duties of State

In order to provide equal opportunity in all aspects of State Government to qualified individuals with disabilities, each department, agency and instrumentality of the State shall:

1. Periodic review. Review, on a periodic basis, the adequacy of hiring, placement and advancement practices within that department, agency or instrumentality of the State with respect to individuals with disabilities;

2. Plan. Develop by January 1, 2007 and update annually thereafter a plan to increase the opportunities for individuals with disabilities to be employed by that department, agency or instrumentality of the State. This plan must include a description of the extent to which the special needs of employees who are individuals with disabilities are being met;

3. Outsourcing; leases. In its contracts governing functions and duties that are outsourced and in its contracts governing leased space, include provisions that encourage the employment of individuals with disabilities;

**4. Outreach.** Expand its outreach efforts, using both traditional and nontraditional methods, to make qualified individuals with disabilities aware of available employment opportunities within that department, agency or instrumentality of the State; and

**5. Accommodate.** Increase its efforts to accommodate individuals with disabilities.

**Sec. A-2. Disability employment services activities and functions.** The Department of Administrative and Financial Services, Bureau of Human Resources, based on the availability of financial resources, shall reinstate the activities and functions previously associated with the position of Disability Employment Services Coordinator to provide oversight and facilitation of the duties of the State relative to the employment of workers with disabilities in all state agencies and to continue certification and appointment policies for such employees pursuant to existing state policies and rules.

## PART B

**Sec. B-1. Report.** The Department of Labor jointly with the Department of Health and Human Services shall submit, no later than January 1, 2007, to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding employment opportunities for individuals with developmental disabilities. The departments shall produce the report in consultation with the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, established in the Maine Revised Statutes, Title 26, section 2006; Speaking Up For Us of Maine; the Maine Developmental Disabilities Council; the Disability Rights Center of Maine; the Maine Association of Community Service Providers; the Brain Injury Association of Maine; and other interested parties. The report must address the following issues:

1. Ways to enhance access to employment opportunities for adults with developmental disabilities and a strategy to make supportive employment services the primary form of support services available to adults with developmental disabilities, especially when they graduate from high school;

2. Data on the number of individuals who receive freestanding day habilitation funding versus supportive employment funding and the amount of funding involved, including state grant funds, state seed funds and federal funds. The report also must address data on the number of newly graduating high school students who received services through the freestanding day habilitation entitlement in each of the past 2 years, the cost associated with this entitlement, the projected cost of this entitlement in fiscal year 2006-07 and fiscal year 2007-08 and the location

within the budget where funds for this entitlement are located;

3. The possibility of using currently earmarked freestanding day habilitation funds for supportive employment, including the possibility of converting the state match for the current day habilitation services to a new jobs program under a new Medicaid waiver;

4. The relative merits of administering state supportive employment services to individuals with developmental disabilities through the Department of Labor as opposed to the Department of Health and Human Services;

5. The extent to which individuals who receive supportive employment services have a plan for achieving self-support approved by the Social Security Administration;

6. A review of other states' policies regarding supportive employment, including the State of Washington;

7. The reasons for and against implementing a new state policy modeled after the State of Washington policy that mandates supportive employment services for the class of 2007 high school graduates; and

8. The resources that need to be available to existing providers of supportive employment and day habilitation services in order to successfully shift their emphasis to job development for adults with developmental disabilities.

## PART C

**Sec. C-1. Report.** No later than January 31, 2007, the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report identifying the resources necessary for the development and implementation of a media campaign designed to increase statewide awareness of employment-related issues affecting individuals with disabilities and an employer outreach campaign designed to engage employers in discussions and information exchange about issues, services and support systems related to the employment of individuals with disabilities, including, but not limited to, the following:

1. Presentations to business groups and associations, including chambers of commerce. These presentations must include participation by individuals with disabilities who are successfully employed and local service provider agencies that can assist employ-

ers in recruiting, training and retaining individuals with disabilities in employment;

2. Information sessions and training workshops presented at conferences and other meetings where employers are in attendance and employment issues are addressed;

3. The planning and convening of other business-oriented events that focus on the needs, benefits, supports and opportunities related to the employment of individuals with disabilities; and

4. The development of a library of business-oriented promotional materials to be used in public information and awareness sessions and available to employers by request at any time.

The report shall include recommendations for funding and implementing the 2 campaigns.

See title page for effective date.

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## CHAPTER 571

H.P. 1265 - L.D. 1825

### An Act To Amend the Rule-making Authority of the Commissioner of Public Safety Regarding the Construction, Installation, Maintenance and Inspection of Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances

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

**Whereas**, the Legislature seeks to amend the rule-making authority of the Department of Public Safety with respect to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances and to authorize the Department of Public Safety to adopt new rules as quickly as the process will allow; and

**Whereas**, the Legislature seeks to immediately repeal current rule-making authority pertaining to inspection of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of real estate and to authorize the Department of Public Safety to adopt new rules as quickly as the process will allow; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency, so rules pertaining to inspection and maintenance of chimneys,

fireplaces, vents and solid fuel burning appliances upon the sale or transfer of real estate must come back to the Legislature for that review; 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. 25 MRSA §2465**, as corrected by RR 2003, c. 1, §25, is amended to read:

#### §2465. Adoption of rules

**1. Adoption of rules.** ~~The Commissioner of Public Safety shall, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, adopt by reference the Rules and Regulations as found in the then current edition of the National Fire Protection Association Code #211, "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances".~~

**1-A. Routine technical rules.** The Commissioner of Public Safety shall adopt rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Rules adopted pursuant to this subsection may include rules pertaining to maintenance and inspections, except as provided in subsection 1-B. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**1-B. Major substantive rules.** The Commissioner of Public Safety may adopt rules requiring maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Prohibitions.** A person may not for compensation construct ~~or~~, install or maintain any vent or solid fuel burning appliance unless that vent or appliance is constructed or installed or maintained in accordance with ~~the provisions of the National Fire Protection Association Code #211, "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances."~~ this section or the rules adopted pursuant to this section. Construction and installation of chimneys and fireplaces are also governed by Title 32, chapter 33.

**3. Enforcement.** Subject to Title 32, chapter 33, the Commissioner of Public Safety or the commis-