

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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Lewiston, Maine

2006

health care practitioner's professional performance against consensus best practices and local and national patterns of health care.

Sec. 2. 24-A MRSA §6907, first ¶, as enacted by PL 2003, c. 469, Pt. A, §8, is amended to read:

Except as provided in subsections 1 ~~and~~ 2 ~~and~~ 3, information obtained by Dirigo Health under this chapter is a public record within the meaning of Title 1, chapter 13, subchapter 1.

Sec. 3. 24-A MRSA §6907, sub-§3 is enacted to read:

3. Practitioner-specific quality data. The confidentiality of practitioner-specific quality data is determined according to this subsection.

A. Practitioner-specific quality data is confidential and may not be disclosed by the Maine Quality Forum prior to a determination of accuracy and completeness made under paragraph B.

B. Practitioner-specific quality data is not confidential after a determination of its accuracy and completeness is made by the Director of the Maine Quality Forum or a designee.

See title page for effective date.

CHAPTER 616

S.P. 856 - L.D. 2114

An Act To Implement Organizational Improvements to the Legislative Youth Advisory Council

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

PART A

Sec. A-1. 3 MRSA §168-A, sub-§12 is enacted to read:

12. Solicitation of funds prohibited without prior written approval. No public or private entity may solicit or receive funds from any source on behalf of or for the benefit of the council without prior written approval of the Legislative Council or its executive director. All such funds, if approved and when received by the requesting entity, must be immediately transferred in full to the Legislature and reserved by the Legislature for use by the council.

Sec. A-2. PL 2005, c. 414, §§3 to 5 are repealed.

Sec. A-3. Commissioner of Education to fund 2 public forums of the Legislative Youth Advisory Council during fiscal year 2006-07.

The Commissioner of Education shall use funds received by the Department of Education to support the Task Force on Citizenship Education, established pursuant to Resolve 2003, chapter 143, to pay all costs associated with 2 statewide public forums to be held by the Legislative Youth Advisory Council established in the Maine Revised Statute, Title 3, section 168-A. Furthermore, the department shall reimburse the Legislature for Legislator expenses incurred in participating in the public forums. At the conclusion of the forums and payment of related costs, the department shall provide the Executive Director of the Legislative Council with a detailed financial accounting for all expenses incurred for each public forum, including the sources of the funding.

The 2 public forums must be held between July 1, 2006 and November 30, 2006, in high schools north and south of Augusta and must be for the purpose of soliciting input, suggestions and ideas for enhanced civic education in the State's secondary school system. The commissioner shall provide at least one staff person to attend each public forum and prepare written summaries of the meetings. The Legislative Council shall also provide a staff person to attend each public forum. These 2 public forums of the Legislative Youth Advisory Council constitute 2 of the 6 annual meetings of the council authorized under the Maine Revised Statutes, Title 3, section 168-A, subsection 1. The Legislative Youth Advisory Council must include a summary of those public forums, along with any recommendations resulting from those forums, in a report submitted to the Legislative Council by January 15, 2007.

Completion of the 2 public forums required under this section and full payment by the department of all associated costs constitutes fulfillment of the duties of the department and the Legislative Youth Advisory Council pertaining to public forums required under Resolve 2003, chapter 143, Part A, sections 2 and 3.

PART B

Sec. B-1. 3 MRSA §168-A, sub-§1, ¶E, as amended by PL 2003, c. 20, Pt. F, §2, is further amended to read:

E. Report ~~annually~~ biennially to the Legislature Legislative Council on its activities by ~~February 15th of each year~~ December 1st preceding each second regular session of the Legislature. The council may submit proposed legislation as part of its report to the Legislature Legislative Council to implement its recommendations.

Sec. B-2. 3 MRSA §168-A, sub-§3, as amended by PL 2003, c. 481, §1 and c. 689, Pt. B, §6, is repealed and the following enacted in its place:

3. Membership. The council consists of 20 voting members who are Maine residents and appointed in accordance with this subsection. In appointing members, the appointing authorities shall consider geographic distribution. All youth and legislative appointments must be made within 60 days after the convening of each new Legislature. All appointments are for the duration of the legislative term for which the members are appointed and expire upon the convening of the next Legislature. The appointing authorities shall select youth members from youths recommended by principals, guidance counselors or administrative heads of secondary or postsecondary school systems, representatives of equivalent instruction programs or other organizations having an interest in youth activities. Members may be reappointed to subsequent terms on the council as long as they are eligible at the time of their reappointment.

A. The President of the Senate shall appoint the following 10 members:

(1) Seven youths who have attained 16 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma, enrolled in equivalent instruction programs under Title 20-A, chapter 211, subchapter 1-A or enrolled at postsecondary educational institutions located in the State;

(2) One youth who has attained 16 years of age and is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter 1-A; and

(3) Two members of the Senate.

B. The Speaker of the House shall appoint the following 10 members:

(1) Seven youths who have attained 16 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma, enrolled in equivalent instruction programs under Title 20-A, chapter 211, subchapter 1-A or enrolled at postsecondary educational institutions located in the State;

(2) One youth who has attained 16 years of age and who is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter 1-A; and

(3) Two members of the House of Representatives.

Sec. B-3. 3 MRSA §168-A, sub-§4, as repealed and replaced by PL 2003, c. 481, §2, is amended to read:

4. Chairs. There is a legislative chair and a youth chair of the council. The legislative chair alternates every 2 years between the first-appointed member of the House of Representatives and the first-appointed member of the Senate, beginning in 2003 with the first-appointed member of the House of Representatives serving as the legislative chair for the 121st Legislature. The members shall elect one of their youth members to serve as the youth chair for a ~~term of one year~~ that biennium.

Sec. B-4. 3 MRSA §168-A, sub-§5, as enacted by PL 2001, c. 439, Pt. PPPP, §1 and affected by §4, is amended to read:

5. Integration with learning results. The Department of Education may seek the cooperation of the council ~~shall work cooperatively with the Department of Education~~ on the integration of council experience into the learning results standards in student service and career preparation.

Sec. B-5. Transition provisions; youth appointments. Notwithstanding the provision of the Maine Revised Statutes, Title 3, section 168-A, subsection 3, youth members of the Legislative Youth Advisory Council established in the Maine Revised Statutes, Title 3, section 168-A who were appointed to the council prior to the effective date of this Act for a term of 2 years may serve for the entire period of that 2-year appointment.

See title page for effective date.

CHAPTER 617

S.P. 47 - L.D. 141

An Act To Ensure Proper Disposal of Debris and Protection of the Environment

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

Whereas, the current rules regarding beneficial use of secondary materials do not adequately provide for the regulation of the use of construction and demolition debris; and

Whereas, rules are needed to provide facilities and potential facilities that are seeking to make