

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

believe the mandate is deserving of review. Identified characteristics may include, but are not limited to, the following:

- A. Archaic or unnecessary features or features lacking significant public purpose;
- B. Inadequate funding;
- C. Disproportionate efforts for the public policy benefit;
- D. Coordination between federal law and regulation and state law and rule;
- E. Subjection to excessive administrative oversight; and
- F. An insufficient structure to predict, measure or control local costs; and be it further

Sec. 2. Participation of other entities. Resolved: That the Intergovernmental Advisory Group, in the conduct of its duties, may seek information from all related state agencies, statewide or regional associations representing municipalities and statewide associations representing the beneficiaries or interests that may be affected by the repeal, modification, redesign, enhanced coordination or delayed implementation of the mandates; and be it further

Sec. 3. Report. Resolved: That, no later than November 2, 2005, the Intergovernmental Advisory Group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on State and Local Government and the Legislative Council. In its proposed implementing legislation, the Intergovernmental Advisory Group may include proposals to repeal, modify, redesign, effectively coordinate or delay the implementation of any of the listed mandates, as may be appropriate. The Intergovernmental Advisory Group is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on State and Local Government may report out a bill to the Second Regular Session of the 122nd Legislature.

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

Effective May 20, 2005.

CHAPTER 31

H.P. 24 - L.D. 21

Resolve, Directing the Department of Health and Human Services To Adopt Rules Regarding the Licensing of New Opioid Treatment Programs

Sec. 1. Rulemaking. Resolved: That, by November 1, 2005, the Department of Health and Human Services, Office of Substance Abuse shall adopt rules regarding the licensing of new opioid treatment programs to clarify that certificate of need requirements are controlled by the Maine Revised Statutes, Title 22, chapter 103-A and to require the following regarding the licensing process: early discussions among representatives of the proposed program, the municipality and residents of the municipality about the proposed program and options for siting; notice to the public in a local newspaper regarding the proposed program and a public meeting to discuss the program; a public meeting for representatives of the proposed program to present information about opioid treatment and plans for the program and for the public to provide input regarding those plans; and annual meetings for licensed opioid treatment programs and their boards with the municipalities in which they are located and municipal law enforcement and residents. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 32

S.P. 500 - L.D. 1458

Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor

Sec. 1. Commissioner of Administrative and Financial Services authorized to transfer easement with no covenants of title across Elizabeth Levinson Center in Bangor, subject to conditions. Resolved: That the Commissioner of Administrative and Financial Services is authorized and directed to convey to Leo J. Davis, his heirs and assigns, an easement with no covenants of title across the Elizabeth Levinson Center in Bangor. The Commissioner of Administrative and Financial Services shall convey the easement upon the following conditions.

1. The easement must be 50 feet in width and must extend from the Hogan Road along the entire boundary line of Leo J. Davis's property that borders the Elizabeth Levinson Center property. The easement must be located so as to provide the greatest degree of safety to the persons served by the Elizabeth Levinson Center.

2. The easement is for the limited purpose of providing access from the Hogan Road and providing public utilities to the property owned by Leo J. Davis. The easement is conveyed upon the condition that the property owned by Leo J. Davis, his heirs or assigns, is used exclusively as a site for a single-family residence. In the event that there is a change in the use of the property owned by Leo J. Davis, his heirs or assigns, the easement becomes void, and access along the easement described in this resolve is denied to Leo J. Davis, his heirs or assigns.

3. The surface of the route of travel must be maintained in an orderly and attractive manner by and at the cost of Leo J. Davis, his heirs or assigns. In the event that the route of travel is not maintained in a reasonable manner and thereby detracts from the appearance of the Elizabeth Levinson Center grounds and facilities, the easement becomes void.

4. The Director of the Elizabeth Levinson Center may review the proposed easement for purposes of safety as it relates to the users of the Elizabeth Levinson Center and consult with the Commissioner of Administrative and Financial Services and Leo J. Davis with regard to any necessary changes to ensure the safety of the Elizabeth Levinson Center's users.

5. The easement subject to the provisions of this resolve may not be granted until a survey of the property across which the proposed easement is to be granted has been completed and filed with the Department of Administrative and Financial Services. The surveyor selected to undertake the survey must be mutually agreed upon by the Commissioner of Administrative and Financial Services and Leo J. Davis and, upon completion of the survey, the surveyor shall file a copy of the survey with the Commissioner of Administrative and Financial Services. The cost of the survey must be borne by Leo J. Davis.

6. The Commissioner of Administrative and Financial Services shall have an opinion of value prepared by an independent appraiser to determine the current market value of the easement. The Commissioner of Administrative and Financial Services shall transfer the easement upon such terms and conditions as are in the best interests of the State. Any proceeds from the transfer of the easement to Leo J. Davis must be deposited in an account to be determined by the Department of Health and Human Services, Deputy

Commissioner of Finance for the benefit of the Elizabeth Levinson Center; and be it further

Sec. 2. Repeal. Resolved: That this resolve is repealed 3 years after it takes effect.

See title page for effective date.

CHAPTER 33

H.P. 178 - L.D. 239

Resolve, To Develop a Partnership To Prevent, Identify and Treat Eating Disorders

Sec. 1. Eating disorders partnership. Resolved: That the Department of Health and Human Services shall convene an eating disorders work group to develop a partnership between the department and geographically representative hospitals throughout the State to prevent, identify and treat eating disorders, including leveraging current programs, initiatives and resources and disseminating information on eating disorders. The work group must include the Superintendent of Insurance or a designee of the superintendent and representatives of the department, the Maine Hospital Association, hospitals, medical centers and health care providers, consumers and their families and other interested parties; and be it further

Sec. 2. Report. Resolved: That the eating disorders work group shall report by November 2, 2005 to the Joint Standing Committee on Health and Human Services on inpatient and outpatient resources for preventing, identifying and treating eating disorders in persons of all ages.

See title page for effective date.

CHAPTER 34

H.P. 10 - L.D. 5

Resolve, To Study Initiatives To Increase Access to Dental Services for Children in the MaineCare Program

Sec. 1. Study to increase access to dental services for children in the MaineCare program. Resolved: That the Department of Health and Human Services shall convene a broadly representative working group to study initiatives to increase access to dental services for children in the MaineCare program. In convening the working group, the department shall invite representatives of dentists, dental hygienists, MaineCare members, the MaineCare Advisory Committee, the Governor's Office of Health