

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

CHAPTER 39**H.P. 407 - L.D. 552****Resolve, Directing the Board of Dental Examiners To Establish by Rule Protocols To Allow Dental Hygienists Practicing under Public Health Supervision Status To Administer Fluoride or Other Antimicrobials**

Sec. 1. Board of Dental Examiners directed to establish protocols to allow dental hygienists to administer fluoride or other antimicrobials. Resolved: That the Department of Professional and Financial Regulation, Board of Dental Examiners shall by rule establish written protocols that describe the conditions under which dental hygienists with public health supervision status are authorized to administer fluoride or other antimicrobials. 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 40**H.P. 968 - L.D. 1391****Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections**

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 2-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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of Chapter 15: Batterer Intervention Program Certification, a provisionally adopted major substantive rule of the Department of Corrections that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective May 20, 2005.

CHAPTER 41**H.P. 1075 - L.D. 1530****Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education**

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 2-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 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review

pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective May 20, 2005.

CHAPTER 42

H.P. 775 - L.D. 1122

Resolve, To Establish the Wabanaki Trail

Sec. 1. Task force established to develop Wabanaki Trail. Resolved: That the Department of Economic and Community Development and its Office of Tourism, the Department of Transportation and the University of Maine System in conjunction with the Penobscot Nation shall constitute a task force, referred to in this resolve as "the task force," to jointly develop the Wabanaki Trail. The task force shall designate roads, routes and points of interest, create signage and create web-based maps that include old canoe trails on waterways. In developing the Wabanaki Trail, the task force shall consult the pamphlet "A Wabanaki Guide to Maine" published by the Maine Indian Basketmakers Alliance; and be it further

Sec. 2. Rules. Resolved: That the Department of Transportation may adopt rules to carry out the purposes of section 1. Rules adopted pursuant to this section are minor technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 3. Report. Resolved: That the task force shall report to the Joint Standing Committee on Transportation on its progress in developing the Wabanaki Trail and any recommended legislation no later than December 7, 2005.

See title page for effective date.

CHAPTER 43

H.P. 487 - L.D. 667

Resolve, Regarding Nonnative Invasive Marine Species

Sec. 1. Nonnative invasive marine species. Resolved: That the State and all appropriate agencies of State Government shall participate in the development of state and regional strategies to prevent introduction of nonnative invasive marine species into the coastal waters of the State and the greater Gulf of

Maine ecosystem and to work to eliminate or mitigate the negative impact of the nonnative invasive marine species where introduced. All appropriate state agencies involved with managing or studying Maine's marine environment, its harvests and its related commerce are encouraged to prevent the introduction of nonnative invasive marine species and to work to eliminate or mitigate their negative impacts by continuing to develop science-based strategies and promoting collaborative problem solving with other appropriate agencies and governments, as determined appropriate by the Commissioner of Environmental Protection and the Commissioner of Marine Resources; and be it further

Sec. 2. Report. Resolved: That the Department of Marine Resources in consultation with the Department of Environmental Protection shall report to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Marine Resources by February 1, 2006 concerning the nature and extent of the problem of nonnative invasive marine species in Maine waters. The departments shall submit a brief summary of issues and efforts to control nonnative invasive marine species in the New England area, a description of the existing legal framework for regulation of ballast discharges, any recommendations for changes to Maine law to better address ballast discharges and other issues related to nonnative invasive marine species. The Joint Standing Committee on Natural Resources has the authority to report out a bill regarding nonnative invasive marine species to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 44

H.P. 546 - L.D. 769

Resolve, To Examine Smoking Cessation Programs for Maine's Youth

Sec. 1. Review and assessment. Resolved: That the Department of Health and Human Services shall review and assess the effectiveness of programs in the State that provide assistance to young people to help them quit using tobacco products. This review and assessment must be conducted within existing budgetary resources; and be it further

Sec. 2. Report. Resolved: That the Department of Health and Human Services shall submit its report by January 31, 2006 to the Joint Standing Committee on Health and Human Services. The report must include findings based upon the department's review and assessment of programs required