

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

recommendations, including any suggested legislation, regarding the feasibility of establishing, implementing and funding an insurance fraud unit. Following receipt and review of the report, the Joint Standing Committee on Insurance and Financial Services may report out a bill related to the report to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

## CHAPTER 48

H.P. 1119 - L.D. 1583

### Resolve, Directing the Department of Transportation To Strengthen Guardrails on Old County Road in Rockland and Thomaston

**Sec. 1. Guardrails. Resolved:** That the Department of Transportation shall inspect the guardrails on Old County Road in Rockland and Thomaston and take action necessary to ensure that these guardrails meet current height and other standards of safety.

See title page for effective date.

## CHAPTER 49

H.P. 966 - L.D. 1389

### Resolve, Regarding Legislative Review of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization

**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 100: Enforcement Procedures, a provisionally adopted major substantive rule of the Maine Health Data Organization 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 25, 2005.

## CHAPTER 50

S.P. 502 - L.D. 1477

### Resolve, Preventing the Upstream Migration of Exotic Species past the Fish River Falls and into the Fish River Watershed

**Sec. 1. Commissioner of Inland Fisheries and Wildlife to implement program. Resolved:** That the Commissioner of Inland Fisheries and Wildlife shall implement a program as funding from sources other than the General Fund become available to prevent the upstream migration of exotic species past the Fish River Falls and into the Fish River watershed in Aroostook County. Rules adopted pursuant to this resolve are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 51

H.P. 1129 - L.D. 1593

### Resolve, Regarding Legislative Review of Portions of Chapter 750: Standardized Health Plans, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance

**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 750: Standardized Health Plans, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance 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 25, 2005.

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## CHAPTER 52

H.P. 284 - L.D. 382

### **Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Licensing of Intermediate Care Facilities for Mental Retardation**

**Sec. 1. Adopt rules. Resolved:** That the Department of Health and Human Services shall amend the rules pertaining to the licensing of intermediate care facilities for mental retardation to allow for the elimination of state licensing requirements that are duplicative or no longer essential. The department shall consult with consumer and provider representatives prior to proposing the amended rules. Rules adopted pursuant to this resolve are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and must be provisionally adopted and submitted to the Joint Standing Committee on Health and Human Services for review no later than January 3, 2006.

See title page for effective date.

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## CHAPTER 53

S.P. 456 - L.D. 1329

### **Resolve, Directing the Workers' Compensation Board To Consider Adoption of the "Guides to the Evaluation of Permanent Impairment," 5th Edition, in Assessing Workers' Compensation Injuries**

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

**Whereas**, adoption of the 5th edition of the "Guides to the Evaluation of Permanent Impairment" could have considerable significance to injured workers, employers and insurers in determining workers' compensation benefits and should be considered as soon as possible; 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. Workers' Compensation Board directed to consider adoption of 5th edition of "Guides to the Evaluation of Permanent Impairment." Resolved:** That the Workers' Compensation Board shall consider adoption of the 5th edition of "Guides to the Evaluation of Permanent Impairment" as impairment guidelines pursuant to the Maine Revised Statutes, Title 39-A, section 153, subsection 8; and be it further

**Sec. 2. Reporting date established. Resolved:** That the Workers' Compensation Board shall report its findings to the Joint Standing Committee on Labor by January 15, 2006, including the board's determination of whether the 5th edition of "Guides to the Evaluation of Permanent Impairment" should be adopted and, if so, whether the 5th edition has been adopted by board rule; and be it further

**Sec. 3. Authority of Joint Standing Committee on Labor to report out legislation. Resolved:** That, following receipt and review of the Workers' Compensation Board's report under section 2, the Joint Standing Committee on Labor may report out legislation related to the report to the Second Regular Session of the 122nd Legislature.