

# 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**

**CHAPTER 69****H.P. 1144 - L.D. 1621****Resolve, Regarding Legislative Review of Chapter 270: Uniform Reporting System for Quality Data Sets, 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 preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 270: Uniform Reporting System for Quality Data Sets, 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 31, 2005.

**CHAPTER 70****S.P. 401 - L.D. 1173****Resolve, Directing the Secretary of State To Design a Pilot Program for Early Voting**

**Sec. 1. Secretary of State to design pilot program for early voting. Resolved:** That the Secretary of State shall design a pilot program for

early voting for the general election to be held in November 2008. The Secretary of State shall select one municipality that is willing and able to be the pilot municipality and may select an additional municipality or municipalities to participate in the pilot program at the discretion of the Secretary of State and with the consent of the municipalities. In designing the pilot program, the Secretary of State may consult with other states that have early voting laws in order to use best practices of those states; and be it further

**Sec. 2. Reporting date established. Resolved:** That the Secretary of State shall submit a report by February 15, 2007 to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs detailing the plan for conducting a pilot program for early voting and outlining any issues of concern. The committee shall review the plan and by May 1, 2007 may submit legislation to the First Regular Session of the 123rd Legislature to authorize the Secretary of State to conduct the pilot program for the November 2008 general election.

See title page for effective date.

**CHAPTER 71****H.P. 911 - L.D. 1313****Resolve, To Evaluate the Possibility of a Moose Hunt in Southern Maine**

**Sec. 1. Report to Legislature. Resolved:** That the Commissioner of Inland Fisheries and Wildlife shall evaluate the possibility of a moose hunt in southern Maine and shall submit a report based on that evaluation, including necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than December 1, 2006. The joint standing committee may submit a bill based on the report to the First Regular Session of the 123rd Legislature.

See title page for effective date.

**CHAPTER 72****S.P. 430 - L.D. 1251****Resolve, To Establish a System for Verification of Proficiency for Prelingually Deaf Candidates for Teacher Certification**

**Sec. 1. Rules; certification. Resolved:** That the State Board of Education shall amend

Chapter 115: Certification, Authorization and Approval of Educational Personnel, a rule of the Department of Education, to provide an alternative means of verifying the proficiency of prelingually deaf teacher certification candidates. The alternative must be available for prelingually deaf teacher certification candidates in lieu of the current requirements that teacher certification candidates demonstrate their knowledge of basic skills, subject content and pedagogy through achievement of qualifying scores on standardized qualifying examinations. Notwithstanding the Maine Revised Statutes, Title 20-A, chapters 502 and 502-A, the amendment to the rule is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A.

Notwithstanding the Maine Revised Statutes, Title 20-A, chapter 502 or any rule that limits the number of years for which a targeted need area certificate may be issued, the Department of Education shall continue to issue renewals of targeted need area certificates pursuant to Title 20-A, section 13011, subsection 9 to prelingually deaf teachers who meet the criteria set forth in rules for such certification. The amendment to the rule adopted pursuant to this resolve must specify when the limitation on the number of renewals of targeted need area certificates for prelingually deaf teachers must be reinstated.

See title page for effective date.

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## CHAPTER 73

### H.P. 211 - L.D. 286

#### **Resolve, Directing a Review of Comprehensive Planning and Growth Management in Maine**

**Sec. 1. Study; purpose. Resolved:** That the Executive Department, State Planning Office, referred to in this resolve as "the office," shall undertake a study of current state law, policy and procedures regarding land use planning, management and regulation. The purpose of the study is to review the efficacy of the growth management laws and to identify changes in state law, policy and procedures, if any are needed, to facilitate more efficient and effective land use planning; and be it further

**Sec. 2. Advisory group. Resolved:** That, in order to take advantage of various experiences and perspectives on the issue, the office shall seek input and advice from an advisory group composed of, but not limited to, representatives having municipal, regional, state, economic development, natural resources and professional and academic planning and policy perspectives; and be it further

**Sec. 3. Issues to be considered. Resolved:** That, in developing proposed and final recommendations, the advisory group created pursuant to section 2 and the office shall consider the following related issues:

1. Assessment of the procedures, policies and rules of the office for reviewing comprehensive plans and growth management programs and development of options for improvement;

2. Assessment of local efforts to implement the growth management laws and the State's efforts to support the laws, development of options for improvement, including but not limited to opportunities for greater recognition and reward for managing growth pursuant to the growth management laws, and clarification of the State's role in ensuring compliance with state land use law and policy; and

3. Development of options for improvement of comprehensive planning statewide, including but not limited to recommended changes to: the focus and contents of local comprehensive plans; local, regional and state procedures for development, review and coordination of comprehensive plans; and the growth management laws that would result in better land use planning; and be it further

**Sec. 4. Cost assessment. Resolved:** That the office shall assess the projected costs to the State and its political subdivisions of developing and implementing any changes in law or policy proposed pursuant to this resolve and the adequacy of existing resources to develop and implement those changes. The office shall clearly identify any recommendations the development or implementation of which would require additional governmental resources; and be it further

**Sec. 5. Report. Resolved:** That, by February 1, 2006, the office shall develop and submit to the Joint Standing Committee on Natural Resources and the Community Preservation Advisory Committee, established pursuant to the Maine Revised Statutes, Title 30-A, section 4350, a final report, along with any proposed legislation, that summarizes the study undertaken pursuant to this resolve and outlines both short-term and long-term recommendations; and be it further

**Sec. 6. Authority to report out legislation. Resolved:** That the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to the study undertaken pursuant to this resolve to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

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