

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

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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 74**H.P. 729 - L.D. 1076****Resolve, To Grant the Town of Alton Automatic Intervenor Status**

Sec. 1. Alton; automatic intervenor status. Resolved: That the Department of Environmental Protection shall grant the Town of Alton automatic intervenor status if the Executive Department, State Planning Office files for an expansion permit related to the West Old Town Landfill and if the Town of Alton requests automatic intervenor status.

See title page for effective date.

CHAPTER 75**H.P. 1066 - L.D. 1519****Resolve, To Address the Unauthorized Publication of Information Concerning Recreational Trails That Cross Private Property**

Sec. 1. Department of Inland Fisheries and Wildlife and Department of Conservation to resolve conflicts. Resolved: That the Department of Inland Fisheries and Wildlife and the Department of Conservation shall work with the Executive Department, State Planning Office, private property owners and interested parties to resolve conflicts regarding the publication, without landowner knowledge or consent, of descriptions of recreational trails or portions of recreational trails that cross private property; and be it further

Sec. 2. Program. Resolved: That the Department of Inland Fisheries and Wildlife and the Department of Conservation shall develop and implement a program that:

A. Helps to ensure that published materials and website information describing recreational trails provide notice when a recreational trail crosses private property;

B. Encourages recreational users to be respectful of private property and makes those users aware when landowners are voluntarily allowing the public to use recreational trails and that they have the right to limit the use of or completely close such a trail or portions of such a trail;

C. Advises nonprofit entities, authors, media and others who publish materials about recreational trails to ascertain whether or not a trail crosses

private property and encourages them to obtain written permission to publish information about such a trail from the landowner; and

D. Helps prevent unauthorized publication of information about recreational trails located on private property; and be it further

Sec. 3. Report. Resolved: That the Department of Inland Fisheries and Wildlife and the Department of Conservation shall jointly provide the Joint Standing Committee on Inland Fisheries and Wildlife a report regarding the program and its implementation pursuant to this resolve no later than January 2, 2006.

See title page for effective date.

CHAPTER 76**H.P. 584 - L.D. 825****Resolve, To Improve Statewide Business Assistance Services**

Sec. 1. Department of Economic and Community Development to study methods for promoting Business Answers program. Resolved:

That the Department of Economic and Community Development shall develop a proposal that focuses on methods for promoting and marketing the Business Answers program, its publicly accessible website and its toll-free telephone service to the public in order to increase the public's awareness of the valuable services that are being offered by this program; and be it further

Sec. 2. Reporting date established. Resolved: That the Department of Economic and Community Development shall report its findings under section 1, along with a written proposal identifying ways to improve the promotion and marketing of the Business Answers program, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

See title page for effective date.

CHAPTER 77**H.P. 505 - L.D. 710****Resolve, Regarding Clinical Trials of Pharmaceuticals, Treatment Options and Medical Devices**

Sec. 1. Study of clinical trials; posting of Internet links. Resolved: That the Department of Health and Human Services shall study the accessibil-

ity of information regarding the results of certain clinical trials of pharmaceuticals, treatment options and medical devices and the enrollment of certain persons in those trials. The study must include a review of the registration of clinical trials with the website developed by the National Library of Medicine as a service of the United States National Institutes of Health to provide regularly updated information about federally and privately supported clinical research in human volunteers and access to the results of those trials for physicians, health care providers and the public. The study must include a review of the enrollment as subjects of persons enrolled at institutions of higher education in the State, persons incarcerated at correctional facilities within the State, persons hospitalized at state mental health institutes and persons receiving medical treatment reimbursed in whole or in part with state funds. By January 30, 2006, the department shall report to the Joint Standing Committee on Health and Human Services the results of the study. By November 15, 2005, the Department of Health and Human Services shall post on its website links to public information regarding clinical trials of pharmaceuticals, treatment options and medical devices.

See title page for effective date.

CHAPTER 78

S.P. 603 - L.D. 1626

Resolve, Regarding the Town of Cooper

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Sec. 1. Department of Transportation, Town of Cooper and surrounding communities to develop plan for road maintenance. Resolved: That the Department of Transportation, the Town of Cooper and the surrounding communities are directed to develop a plan for winter maintenance for Route 191, including the section of Route 191 that is currently the responsibility of the Town of Cooper. The plan must include fiscal and planning support; and be it further

Sec. 2. State Planning Office and Town of Cooper to develop plan for Municipal Officer position vacancies. Resolved: That the Executive

Department, State Planning Office and the Town of Cooper are directed to initiate cooperative efforts with adjacent towns to share town services to address the vacancy issues in municipal officer positions that are being experienced by the Town of Cooper; and be it further

Sec. 3. Report and recommendations.

Resolved: That the Department of Transportation, the Executive Department, State Planning Office and the Town of Cooper shall report their plans and recommendations to the Joint Standing Committee on State and Local Government no later than January 15, 2006; and be it further

Sec. 4. Administrative support. Resolved:

That the Department of Transportation and the Executive Department, State Planning Office shall provide administrative support for the development of plans, and any costs associated with this study must be absorbed within existing budgeted resources; and be it further

Sec. 5. Authority to report out legislation.

Resolved: That the Joint Standing Committee on State and Local Government is authorized to report out legislation that addresses the plans and recommendations in section 3 to the Second Regular Session of the 122nd Legislature, including allowing the Town of Cooper to continue its deorganization process.

See title page for effective date.

CHAPTER 79

H.P. 1074 - L.D. 1529

Resolve, Regarding Legislative Review of Chapter 180, Subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a Major Substantive Rule of the Department of Education

Sec. 1. Adoption. Resolved: That final adoption of Chapter 180, subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, 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 only if the rule is amended as follows.

1. The rule must be amended in the part designated "1. Parental Choice" by deleting the text in paragraph D and replacing it with text that clarifies