

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

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

that the parent will provide informed consent to their regional Child Development Services site that includes either an explanation of the option to remain in the Child Development Services System or the option to enroll in kindergarten and the specific free, appropriate public education services that are available in kindergarten.

2. The rule must be amended in the part designated "3. Fiscal Process" by amending the text in paragraph A to establish that the regional Child Development Services site will submit a copy of the individualized family service plan consistent with 34 Code of Federal Regulations, Section 300.342c or individualized education plan for each eligible child whose parent elects to receive services pursuant to this section to the Child Development Services State Office.

3. The rule must be amended by inserting after the part designated "3. Fiscal Process" a new part to establish that the parent of an eligible 5-year-old that has been unable to inform their regional Child Development Services site of their choice by May 1st can submit a request for consideration to the Child Development Services State Office by June 15th; and be it further

Sec. 2. Finding. Resolved: That the Legislature has determined that the portions of Chapter 180, subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th that are authorized for final adoption as provided in section 1 are consistent with the legislative intent of the requirements to continue to provide free and appropriate public education for certain 5-year-old children as enacted by Public Law 2003, chapter 676. The Department of Education is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule in accordance with this resolve.

See title page for effective date.

CHAPTER 80

H.P. 1161 - L.D. 1648

Resolve, Directing the Department of Inland Fisheries and Wildlife To Study the Feasibility of Establishing a Program To Assess Riverine Habitats in Maine

Sec. 1. Assessment. Resolved: That the Department of Inland Fisheries and Wildlife shall determine the scope, structure, activities and costs of a program to assess habitats provided by rivers and

streams in Maine. The department shall report its findings and recommendations for coordinating restoration efforts concerning these habitats to the Joint Standing Committee on Inland Fisheries and Wildlife by January 2, 2006.

See title page for effective date.

CHAPTER 81

S.P. 373 - L.D. 1056

Resolve, To Amend the Rule-making Process for the State's Plumbing Code

Sec. 1. Adoption of code. Resolved: That, notwithstanding the Maine Revised Statutes, Title 32, section 3403-B, subsection 1 and Title 5, section 8072, the rules provisionally adopted by the Plumbers' Examining Board updating the plumbing code to the current version of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials are considered finally adopted.

See title page for effective date.

CHAPTER 82

S.P. 388 - L.D. 1126

Resolve, To Examine the Nontherapeutic Use of Antibiotics

Sec. 1. Commissioner of Agriculture, Food and Rural Resources and Director of Bureau of Health within Department of Health and Human Services to report on use of antibiotics. Resolved: That the Commissioner of Agriculture, Food and Rural Resources, referred to in this resolve as "the commissioner," and the Director of the Bureau of Health within the Department of Health and Human Services, referred to in this resolve as "the director," shall examine ways to reduce the use of antibiotics in the animal industry with the goal of maintaining the therapeutic efficacy of antibiotics. The commissioner and the director shall convene a study group to review the use of antibiotics in animal agriculture, with particular attention to those antibiotics also used in human medicine. The study group may also make recommendations for future actions that encourage prudent use of antibiotics in human and animal care. The commissioner and the director shall invite participation as follows:

1. Representatives from a council of diverse statewide agricultural organizations;