

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

10. Transportation services;
11. Socialization supports; and
12. Family support services; and be it further

Sec. 4. Diverse populations. Resolved:

That the mental health system must define and be responsive to the needs of diverse populations including:

1. Persons with serious mental illness;
2. Persons with co-occurring substance abuse disorders;
3. Persons who are older;
4. Persons in the criminal justice system;
5. Persons who have trauma and abuse histories; and
6. Persons with co-occurring serious physical illnesses or conditions; and be it further

Sec. 5. System readiness. Resolved: That service reform must be undertaken within the following parameters:

1. Significant changes in reimbursement methodology must include actuarial analysis;
2. Administrative burdens must be managed, consistent with Public Law 2003, chapter 673, Part 000, section 2;
3. Federal and state reporting data requirements must be met. Information technology systems must be in place to support data collection and quality management systems that drive reform;
4. The system must use consistent tools for measurement of outcomes, including, but not limited to, individual benefits that are grounded in the values in section 2; and
5. Required MaineCare waivers must be approved, when needed, prior to changes being implemented; and be it further

Sec. 6. Implementation. Resolved: That any substantive changes in financing and service delivery of adult mental health services must be phased in with an evaluation process for each phase, with adjustments being made accordingly; and be it further

Sec. 7. Report. Resolved: That the Department of Health and Human Services shall provide a report and recommendations, including any recommendations of the working group required under

section 1, to the Joint Standing Committee on Health and Human Services no later than January 15, 2006.

See title page for effective date.

CHAPTER 86

H.P. 1033 - L.D. 1470

Resolve, Directing the Judicial Compensation Commission To Examine Allowing Judges To Receive Service Credit for Prior Legislative Service

Sec. 1. Judicial Compensation Commission to examine service credit for prior legislative service. Resolved: That the Judicial Compensation Commission, established pursuant to the Maine Revised Statutes, Title 5, section 12004-G, subsection 23-A, shall examine whether a judge or justice should receive service credit in the Maine Judicial Retirement System for time spent as a Legislator if the judge or justice made payments to the Maine Legislative Retirement System during that legislative service; and be it further

Sec. 2. Report. Resolved: That the Judicial Compensation Commission shall report its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters by December 1, 2006.

See title page for effective date.

CHAPTER 87

H.P. 458 - L.D. 625

Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, Major Substantive Rules of the Department of Environmental Protection

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 rules have 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 rules; 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 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, provisionally adopted major substantive rules of the Department of Environmental Protection that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized if the rules are modified as follows:

1. Chapter 500, section 4, subsection B, paragraph (2), subparagraph (a), division (ii) is amended to provide that one acre or more of impervious area, or 5 acres or more of developed area, in any lake watershed other than a watershed of a lake most at risk must meet the phosphorus standards, except that an applicant with a project that includes less than 3 acres of impervious area and less than 5 acres of developed area may choose to meet the BMP standards rather than the phosphorus standards if the lake is not severely blooming;

2. Chapter 500, section 4, subsection C, paragraph (1) is amended to limit the type of project modifications that need to meet the urban impaired stream standard to site location of development law modifications; and

3. Chapter 500, section 4, subsection C, paragraph (3), subparagraph (b) is amended to provide that for a project requiring a storm water management permit, redevelopment of an existing impervious area is not required to meet the urban impaired stream standard as long as the department makes the determinations specified in the proposed rule.

The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting these rules in accordance with this resolve.

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

Effective June 3, 2005.

CHAPTER 88

H.P. 1127 - L.D. 1591

Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission

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 920: Maine Model Building Energy Code, a provisionally adopted major substantive rule of the Public Utilities Commission 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 following changes are made.

1. Residential buildings. The portion of the rule designated §4(A)(1) is amended to provide that subject to the adoption procedures established in section 6 of the rule, the standards applicable to residential construction are the IRC-2003 Chapter 11 or IECC-2003 energy standards and the ASHRAE 62.2-2003 ventilation standards.

2. Commercial buildings. That portion of the rule designated §4(A)(2) is amended to provide that