

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**

**July 29, 2005**

**SECOND REGULAR SESSION**

**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**AUGUST 23, 2006**

**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**

**2006**

Millinocket and Medway to the south and extending north to Shin Pond and west into Piscataquis County. No later than March 15, 2007, the Commissioner of Conservation shall provide the joint standing committee of the Legislature having jurisdiction over public lands matters with a progress report on actions taken to meet these objectives and a list of officials, landowners and citizens participating in this process; and be it further

**Sec. 4. Management of Wyman Lot. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation shall manage the eastern 143 acres of the Wyman Lot described in section 1 and retained by the Bureau of Parks and Lands. The director shall consult with the Flagstaff Regional Advisory Council in developing a management plan for this acreage; and be it further

**Sec. 5. Commissioner of Conservation to convene a working group. Resolved:** That the Commissioner of Conservation shall convene a working group on the acquisition of land for multiple uses. The group must include, but is not limited to, representatives of the Katahdin Region. The group shall review possible options for the public acquisition of land or interest in land that is crucial for hunting, snowmobiling and other types of recreation that have a significant impact on the economy of the region; and be it further

**Sec. 6. Proceeds from sale of certain public lots. Resolved:** That the proceeds from the sale of the public lots in Penobscot County authorized for transfer in section 1 be applied towards the purchase of the approximately 1,975 acres in the southwest quadrant of Township 4, Range 8 to be transferred to the Department of Conservation, Bureau of Parks and Lands pursuant to section 2, subsection 2; and be it further

**Sec. 7. Proceeds from sale of certain public lots. Resolved:** That, subject to the restrictions of the Constitution of Maine, Article IX, Section 23 and except as provided in section 6, the proceeds from the sale of the public lots authorized for transfer in section 1 must be applied towards the purchase of land of state, regional or local significance by the Land for Maine's Future Board, in accordance with the criteria set forth in the Maine Revised Statutes, Title 5, chapter 353 and the State Controller shall transfer the proceeds from the sale of the public lots authorized for transfer in section 1 to the Land for Maine's Future Board for the purpose set out in this section. The land purchased must be of a value similar to the parcels conveyed pursuant to section 1, including, but not limited to, similarity in conservation value, habitat value and wildlife value; and be it further

**Sec. 8. Real estate taxes; transfer to Organized Townships Fund. Resolved:** That, notwithstanding any provision of law to the contrary, until 90 days after adjournment of the Second Regular Session of the 123rd Legislature, the Township of Glenwood Plantation and the Town of LaGrange upon receiving property taxes on a parcel of land that is transferred by the State on or after July 1, 2006 pursuant to section 1 shall transmit an amount equal to the property tax collected to the Treasurer of State, who shall deposit those funds into the Organized Townships Fund to be expended in accordance with the purposes of the fund set forth in the Maine Revised Statutes, Title 12, section 1854; and be it further

**Sec. 9. Maintenance of hiking trail. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation shall construct and maintain a hiking trail through the 8,000 acres described in section 2, subsection 4. The director shall consult with the Baxter State Park Authority on connecting this trail to trails within Baxter State Park leading to the shore of Katahdin Lake; and be it further

**Sec. 10. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**CONSERVATION, DEPARTMENT OF**

**Land Management and Planning 0239**

Initiative: Allocates funds necessary to cover administrative costs associated with the acquisition of certain new properties.

**OTHER SPECIAL REVENUE**

<b>FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
All Other	\$0	\$100,000
<b>OTHER SPECIAL REVENUE</b>		
<b>FUNDS TOTAL</b>	<b>\$0</b>	<b>\$100,000</b>

See title page for effective date.

**CHAPTER 198**

**H.P. 1293 - L.D. 1853**

**Resolve, Directing the Department of Agriculture, Food and Rural Resources to Conduct Outreach Activities Pertaining to Animal Identification**

**Sec. 1. Commissioner of Agriculture, Food and Rural Resources to conduct outreach activities about animal identification proposals. Resolved:** That the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee shall conduct outreach activities to inform the agricultural community and the

general public of any federal or state initiatives being developed to require the identification of animals for the purpose of tracking disease. The outreach activities must include regional meetings to gain input from the agricultural community. Each meeting must allow time for public comment on and discussion of issues pertaining to animal identification; and be it further

**Sec. 2. Reporting date established. Resolved:** That the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee shall report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2007 on the result of the outreach activities conducted by the Department of Agriculture, Food and Rural Resources pursuant to section 1 and the status of any federal initiative or action to require or promote animal identification. The report must include the location and date of each meeting held within the State, the number of people attending and a summary of public comments and concerns; and be it further

**Sec. 3. Consistency with federal regulations. Resolved:** That, if the United States Department of Agriculture or any other federal agency prior to January 1, 2007 takes action to require registration of premises where livestock or poultry is kept or to require identification of livestock or poultry, the Commissioner of Agriculture, Food and Rural Resources may adopt rules to establish a system for the identification and registration of premises where livestock or poultry is kept, slaughtered or exhibited and for the identification of individual animals or lots of animals.

Rules adopted pursuant to this resolve are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The commissioner may adopt these rules as emergency major substantive rules in accordance with Title 5, section 8073. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over agricultural matters of rules adopted under Title 5, section 8074 to comply with federal law or regulations.

See title page for effective date.

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**CHAPTER 199**

**S.P. 769 - L.D. 1991**

**Resolve, To Ensure the Availability  
of Consumer-directed Personal  
Assistance Services**

**Sec. 1. State plan amendment. Resolved:** That the following provisions apply to consumer-directed personal assistance services provided by the Department of Health and Human Services and the Department of Labor.

1. The Department of Health and Human Services shall submit to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services a MaineCare state plan amendment to establish a new state plan program for personal assistance services for persons with physical disabilities. The program must provide services through the self-directed program model authorized in the federal Deficit Reduction Act of 2005, Section 6086. The state plan amendment must be designed to transfer some participants in the current physical disabilities waiver to the new state plan program for personal assistance services for persons with physical disabilities.

2. After approval of the state plan amendment by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and no earlier than January 1, 2007, the Department of Health and Human Services may increase reimbursement for providers of consumer-directed personal assistance services in the 3 programs administered by the department up to a rate of \$10 per hour as long as the conditions of this subsection are satisfied.

A. Savings to the General Fund must be generated from the transfer of participants from the current physical disabilities waiver program to the new state plan program for personal assistance for persons with physical disabilities and those savings must be sufficient, together with any federal matching funds, to fund any increase in reimbursement above \$9 per hour.

B. This subsection does not authorize an increase in General Fund expenditures for reimbursement for providers of consumer-directed personal assistance services above the level budgeted for reimbursement of \$9 per hour.

3. Beginning on the effective date of the new reimbursement level established under subsection 2 by the Department of Health and Human Services for the 3 programs of consumer-directed personal assistance services administered through that department, the Department of Labor may increase the reimbursement rate for consumer-directed personal assistance services in the program administered by the Department of Labor by an amount equal to the increase granted by the Department of Health and Human Services; and be it further

**Sec. 2. Competitive bidding process. Resolved:** That the Commissioner of Health and