

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

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

Effective June 5, 2007.

---

---

**CHAPTER 235  
H.P. 592 - L.D. 774**

**An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and 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 provisions of this legislation must take effect immediately to provide the statutory basis for major substantive rules authorized to be finally adopted when approved; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §470-H,** as enacted by PL 2005, c. 330, §12, is amended to read:

**§470-H. In-stream flow and water level requirements; rules**

The board shall adopt rules that establish water use ~~standards~~ requirements for maintaining in-stream flows and ~~GPA~~ lake or pond water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. ~~Standards~~ Requirements adopted under this section must be based on the natural variation of flows and water levels, allowing variances if use will still be protective of water quality within that classification. The board shall incorporate into the rules a mechanism to reconcile, to the extent feasible, the objective of protecting aquatic life and other uses as provided for in this section and the objective of allowing community water systems to use

their existing water supplies to provide water service. Before the department issues a community water system withdrawal certificate, the certificate must be reviewed and approved by the drinking water program of the Department of Health and Human Services, with technical assistance from the Public Advocate on economic issues, to ensure that conditions contained in the certificate are economically affordable and technically feasible and will not jeopardize the safety, dependability or financial viability of the community water system. Except as necessary to meet the requirements in this section and rules adopted pursuant to this section, a community water system does not forfeit the rights, powers or responsibilities related to water use that are contained in its legislative charter or similar authority. Rules adopted under this section are state water use rules in accordance with the authority reserved to states under the federal Clean Water Act. A water user that fails to comply with the requirements of the rules adopted under this section is subject to penalties pursuant to section 349. For purposes of this section, "community water system" has the same meaning as in Title 22, section 2660-B, subsection 2. Rules adopted under this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective June 6, 2007.

---

---

**CHAPTER 236  
H.P. 835 - L.D. 1142**

**An Act To Enhance the Newborn Hearing Program**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §8824, first ¶,** as enacted by PL 1999, c. 647, §2, is amended to read:

The department is authorized to implement a tracking system that provides the information necessary to effectively plan ~~and~~ and establish and evaluate a comprehensive system of developmentally appropriate services for newborn ~~children and~~ children up to 3 years of age who are deaf or hard-of-hearing and to ensure that all families are given information regarding the availability of hearing screening for their infants. The services must be designed to reduce the likelihood of associated disabling conditions for these children. The tracking system must be integrated with any national database or similar system developed by the Federal Government.

**Sec. 2. 22 MRSA §8824, sub-§1**, as enacted by PL 1999, c. 647, §2, is amended to read:

**1. Mandatory reporting.** Once the tracking system is operating, all hospitals licensed in the State and other providers of services that have established hearing screening or diagnostic procedures for newborn children and infants and children up to 3 years of age shall report to the department all data on hearing screening, evaluation and diagnoses of newborns and newborn infants and children up to 3 years of age. Reports that are required under this subsection must be submitted at least monthly.

See title page for effective date.

**CHAPTER 237**

**S.P. 370 - L.D. 1118**

**An Act To Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services**

**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 change to standardized rates for providers of care to persons with mental retardation under the waiver will have a significant impact on the system; and

**Whereas**, rulemaking for provider rate setting is an important process and the Legislature should be involved in this process; and

**Whereas**, rulemaking for provider rate setting is currently in progress and could be complete before this legislation goes into effect; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 34-B MRSA §5432, sub-§3**, as amended by PL 1993, c. 410, Pt. CCC, §35, is further amended to read:

**3. Rules.** Adopt rules, according to the Maine Administrative Procedure Act, Title 5, chapter 375, relating to the administration of the services authorized by this article and adopt major substantive rules, according to Title 5, chapter 375, subchapter 2-A, relating to rate setting pursuant to Public Law 2005,

chapter 12, Part BBBB and Public Law 2005, chapter 519, Part CCC.

**Sec. 2. Rules.** The Department of Health and Human Services is authorized to adopt major substantive rules on an emergency basis during calendar year 2007 with regard to rate setting for providers of services to persons with mental retardation.

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

Effective June 6, 2007.

**CHAPTER 238**

**H.P. 433 - L.D. 555**

**An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 14 MRSA §6030-B, sub-§3** is enacted to read:

**3. Notification of repairs.** A landlord or other lessor of residential property who undertakes, or who engages someone else to undertake, any repair, renovation or remodeling activity in a residential building built before 1978 that includes one or more units that are rented for human habitation shall give notice of the activity and the risk of an environmental lead hazard pursuant to this subsection.

A. Notice must be given at least 30 days before the activity is commenced by:

- (1) Posting a sign on the building's exterior entry doors; and
- (2) A notice sent by certified mail to every unit in the building.

B. Notwithstanding paragraph A, notice may be given less than 30 days before the activity is commenced by:

- (1) Posting a sign on the building's exterior entry doors; and
- (2) Obtaining from one adult tenant of each unit in the building a written waiver of the 30-day notice requirement and a written acknowledgment of receipt of notice for the particular activity.

C. The waiver of the 30-day notice requirement pursuant to paragraph B must be in plain language, immediately precede the signature of the adult tenant, be printed in no less than 12-point