

MAINE STATE LEGISLATURE

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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

relevant, the speed of service to be offered by the project and the applicant's financial commitment to the project; and that the score for project value is based on relevant factors, including, but not limited to, the estimated price per customer to receive service from the proposed project and any other details of the project that may benefit customers in the area proposed to be served by the proposed project.

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

Effective May 16, 2007.

CHAPTER 28

H.P. 1235 - L.D. 1769

Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources

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 portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a provisionally adopted major substantive rule of the Department of Marine Resources that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective May 18, 2007.

CHAPTER 29

H.P. 1170 - L.D. 1661

Resolve, To Support Community Planning for the Aging of the Population

Sec. 1. Preparing for the aging of the population. Resolved: That the Commissioner of Health and Human Services shall create a stakeholders' group to review and encourage planning activities by Maine communities and promote planning that includes components addressing the elder population. The group must include a representative of the Office of Elder Services' Area Agencies on Aging; the University of Maine Center on Aging; the Maine Municipal Association; the Executive Department, State Planning Office; and the Public Health Work Group and may include other interested parties; and be it further

Sec. 2. Group report. Resolved: That the stakeholders' group convened pursuant to section 1 shall submit a report on its findings to the Joint Standing Committee on Health and Human Services to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 30

H.P. 993 - L.D. 1410

Resolve, To Name the Gray Connector

Sec. 1. Maine Wildlife Park Way. Resolved: That Route 26A in Gray be named the Maine Wildlife Park Way.

See title page for effective date.

CHAPTER 31

H.P. 150 - L.D. 168

Resolve, To End Fraud in Maine's Welfare Benefit Programs

Sec. 1. Verification of eligibility. Resolved: That by October 1, 2007 the Department of Health and Human Services shall take action to decrease the inci-

dence of welfare fraud by amending the rules related to the MaineCare program and the Temporary Assistance for Needy Families program and to the determination of eligibility for the federal food stamp program to require verification of eligibility. The rules must require verification of income and residence through independent sources such as check stubs and rent receipts or through automated systems for the exchange of information with the Department of Labor, the United States Social Security Administration and the United States Internal Revenue Service to the extent allowed by federal and state law applicable to the circumstances of the applicant. Rules adopted under this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 32
S.P. 32 - L.D. 88

**Resolve, To Encourage the Use
of Safe Chemicals in Public
Schools**

Sec. 1. Department of Education to consult with the Department of Environmental Protection and the Board of Pesticides Control in promoting the implementation of green cleaning programs in schools. Resolved: That the Department of Education, referred to in this resolve as "the department," in consultation with the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control, shall:

1. Compile a list of cleaning products that have been certified as meeting health-based criteria for safety and efficacy by a 3rd-party independent agency such as Green Seal or that have been listed by the Department of Administrative and Financial Services, Bureau of General Services, Division of Purchases as environmentally preferred janitorial products. The department shall distribute this list yearly to every school administrative unit in the State after updating the list;
2. Compile a list of disinfectants that have been evaluated using criteria established by the Division of Purchases or other acceptable criteria for environmentally preferred janitorial products and registered by the Board of Pesticides Control. The department shall distribute this list yearly to every school administrative unit in the State after updating the list; and
3. Develop recommendations for cleaning procedures that will reduce the use of toxic chemicals and improve indoor air quality while meeting per-

formance standards for cleanliness. The department shall distribute descriptions of these recommended procedures, referred to as "green cleaning procedures," to every school administrative unit in the State; and be it further

Sec. 2. Department of Education to provide information on the regulation of pesticides. Resolved: That the department shall inform each school administrative unit in the State that the use of pesticides in and around schools is regulated by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control and provide contact information for the board. The department shall advise each school administrative unit to contact the Board of Pesticides Control for copies of the board's rules that apply to schools and for any assistance needed in interpreting the rules; and be it further

Sec. 3. Recognition of school administrative units that commit to a green cleaning program. Resolved: That the department shall compile and maintain a list of school administrative units that have committed to implementing a green cleaning program. The department shall make this list available to the public. A green cleaning program is one that uses cleaning products and disinfectants on the lists distributed under section 1 in a manner consistent with the green cleaning procedures described under section 1.

See title page for effective date.

CHAPTER 33
H.P. 40 - L.D. 39

**Resolve, Regarding Legislative
Review of Portions of
Regulations Governing the
Licensing and Functioning of
Intermediate Care Facilities
for Persons with Mental
Retardation, a Major
Substantive Rule of the
Department of Health and
Human 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 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