

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

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 Regulations Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with Mental Retardation, a provisionally adopted major substantive rule of the Department of Health and Human Services 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 resolve takes effect when approved.

Effective May 22, 2007.

CHAPTER 34

S.P. 499 - L.D. 1421

Resolve, Regarding Tobacco Cessation and Treatment

Sec. 1. Best practice and model treatment programs. Resolved: That the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, Maine Center for Disease Control and Prevention and the Office of MaineCare Services, shall undertake a study of best practice treatment and clinical practice guidelines for tobacco cessation treatment. The study must use the most recent available clinical practice guidelines available from the United States Department of Health and Human Services Public Health Service and must include development of a model tobacco cessation treatment program for use in the public sector and private sector. The department shall report back to the Joint Standing Committee on Health and Human Services by January 15, 2008. The committee may submit legislation to the Second Regular Session of the 123rd Legislature related to best practice treatment and clinical practice guidelines for tobacco cessation treatment.

See title page for effective date.

**CHAPTER 35
H.P. 729 - L.D. 969**

Resolve, Regarding Legislative Review of Chapter 316, Long Term Contracting and Resource Adequacy, 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 316, Long Term Contracting and Resource Adequacy, 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; and be it further

Sec. 2. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides funds for one Utility Analyst position and general operating expenses required to carry out the purposes of this resolve.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$73,487	\$104,129
All Other	\$80,639	\$103,690

OTHER SPECIAL	\$154,126	\$207,819
REVENUE FUNDS TOTAL		

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

Effective May 22, 2007.

CHAPTER 36

H.P. 544 - L.D. 723

Resolve, To Promote Chronic Disease Prevention and Care

Sec. 1. Care model of chronic disease prevention and care. Resolved: That the Department of Health and Human Services and the Advisory Council on Health Systems Development shall report to the Joint Standing Committee on Health and Human Services by January 31, 2008 on the issues detailed in this resolve. To the extent possible, the report must identify public and private resources currently devoted to the promotion of effective prevention and care for chronic diseases, any resource needs to further promote effective prevention and care and strategies to promote the coordination of public and private resources. The report may also include any recommendations for legislation to further promote effective prevention and care for chronic diseases. The issues to be addressed in the report must include the following:

1. The identification and a description of chronic diseases, including, but not limited to, diabetes, cancer, heart and lung disease and depression;
2. Whether prevention is an effective means to reduce the impact of chronic diseases;
3. A description of the care model of chronic disease prevention and care, which includes regular interactions among patients, their families and their formal caregivers, with a focus on maintaining the health of the individual patient with a chronic disease;
4. A description of a pilot program for effective management of care of high-cost MaineCare members and the integration into that pilot program of chronic disease prevention and care; and
5. The use of the State Health Plan, which is released every 2 years by the Governor's office, with guidance from the Advisory Council on Health Systems Development, as a primary approach to making Maine the healthiest state in the nation.

See title page for effective date.

CHAPTER 37

H.P. 920 - L.D. 1302

Resolve, To Preserve Maine's Electric Energy Infrastructure

Sec. 1. Report. Resolved: That, no later than January 31, 2008, the Department of Environmental Protection shall report to the Joint Standing Committee on Utilities and Energy concerning the detailed quantitative criteria that the department uses to fulfill the standards of the Maine Waterway Development and Conservation Act with respect to assessing the value of hydropower generation. The report must include the methods used to determine the current and future value of renewable energy considering the cost of electricity to Maine consumers, indigenous production, greenhouse gas emissions and fossil fuel independence. The joint standing committee may submit legislation to the 123rd Legislature to ensure that the detailed quantitative criteria used by the department provide the department with sufficient direction to fully assess the public benefit with respect to hydropower.

See title page for effective date.

CHAPTER 38

H.P. 505 - L.D. 656

Resolve, To Focus State Agency Efforts in Economic Development on Entrepreneurial Sustainability and Growth

Sec. 1. Department of Economic and Community Development directed to convene working groups to develop plan for economic growth in rural counties. Resolved: That the Department of Economic and Community Development shall direct staff to convene working groups in 3 rural counties in the State to develop a plan for economic development and growth that addresses the specific economic environment of each county. The working groups must consist of regional and local economic development leaders, members representing the local chambers of commerce, members from the Maine Jobs Council's workforce investment boards, county government leaders and members of the educational institutions in those counties. The working groups must convene at least 4 meetings to review the economic development needs of these counties and provide benchmarks for their strengths and weaknesses. The department shall assist and guide the working groups with their economic development initiatives; and be it further