

# 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**

to approval of the facility's staff by the Office of Adults with Physical and Cognitive Disability Services.

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

Effective May 30, 2007.

## CHAPTER 45

### H.P. 412 - L.D. 534

#### **Resolve, Directing the Maine Turnpike Authority To Study the Relocation of the York Toll Booth**

**Sec. 1. Study relocation of toll booth. Resolved:** That the Maine Turnpike Authority may not relocate the York toll booth until the authority has had the opportunity to study the need for and the expense of replacing a functional toll booth. The authority shall gather information on various approaches to address the issue of relocating the toll booth. In gathering the information, the authority shall hold informational sessions for discussions with interested parties; and be it further

**Sec. 2. Report. Resolved:** That the Maine Turnpike Authority shall submit a report to the Joint Standing Committee on Transportation no later than December 15, 2007. The report must include recommendations on whether to relocate the York toll booth.

See title page for effective date.

## CHAPTER 46

### S.P. 214 - L.D. 677

#### **Resolve, Directing the Development of a Building Code and Building Rehabilitation Code Implementation Plan**

**Sec. 1. Maine building codes implementation plan. Resolved:** That the Executive Department, State Planning Office, with assistance from the Office of the State Fire Marshal, the Department of Economic and Community Development, the Department of Professional and Financial Regulation and the Maine Historic Preservation Commission, collectively referred to in this resolve as "the agencies," shall develop a plan for implementing the Maine Model Building Code and the International Existing Building Code; and be it further

**Sec. 2. Duties. Resolved:** That in the development of the plan, the agencies shall consider the following:

1. What agency should provide oversight and administration of the codes;
2. How code updates should be handled;
3. Outreach, communication and technical assistance to municipalities;
4. Training and certification of code officers, architects and builders;
5. Enforcement and appeal procedures;
6. Estimated costs to implement mandatory codes;
7. Projected costs for code administration;
8. Funding options for initial implementation and ongoing administration;
9. Identification of overlap between model codes and codes and standards listed in the Maine Revised Statutes, Title 10, section 9703;
10. Guidance to municipalities regarding overlap between codes;
11. If rulemaking or statutory changes are needed to facilitate certain kinds of development, such as development of historic properties;
12. Phase-in dates for code adoption by service center communities, nonservice center communities with codes and towns adopting codes for the first time;
13. Identification of the advantages and disadvantages of maintaining the current state fire code, the NFPA 1, Uniform Fire Code, 2003 Edition, and the advantages and disadvantages of changing to the International Fire Code;
14. Identification of measures that allow for preserving the artistic and architectural integrity of historic structures without unreasonable risk to life and safety; and
15. Funding or incentives to put codes in place; and be it further

**Sec. 3. Public participation. Resolved:** That in developing the plan the agencies shall solicit input from interested parties, including, but not limited to, other state agencies, the Maine Municipal Association, groups representing Maine building officials and inspectors, builders, architects, engineers, real estate developers and public safety officials; and be it further

**Sec. 4. Completion date; report. Resolved:** That the agencies shall complete the development of the implementation plan by January 15, 2008. The report must include a recommended implementation schedule. The Executive Department, State Planning Office shall report to the Joint Standing

Committee on Business, Research and Economic Development by February 15, 2008 with the results of the implementation plan. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

## CHAPTER 47

H.P. 268 - L.D. 334

### Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites

**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 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a provisionally adopted major substantive rule of the Department of Education 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 June 4, 2007.

## CHAPTER 48

H.P. 823 - L.D. 1130

### Resolve, To Increase Fairness in Medical Payments

**Sec. 1. Reimbursements based on DRG method. Resolved:** That the Department of Health and Human Services shall, with the Edmund S. Muskie School of Public Service, proceed with its review of the possibility of basing hospital reimbursement under the MaineCare program on a methodology derived from the diagnosis-related group, or DRG, method that is used in the federal Medicare program. By January 15, 2008, the department shall report to the Joint Standing Committee on Health and Human Services with the results of the review and any recommendations for legislation. The committee is authorized to submit legislation to the Second Regular Session of the 123rd Legislature regarding MaineCare reimbursement to hospitals.

See title page for effective date.

## CHAPTER 49

H.P. 915 - L.D. 1297

### Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Criteria for Coastal Waters

**Preamble. Whereas**, nutrient pollution is a source of marine pollution, contributing to nuisance algal growth, harmful red tide, habitat impacts and oxygen depletion in Maine's coastal waters; and

**Whereas**, nutrient pollution is attributable to several forms of nitrogen entering Maine's coastal waters from diverse sources, including industrial, municipal, residential, atmospheric and nonpoint sources, as well as offshore inputs from natural phenomena; and

**Whereas**, bays and estuaries in states south of Maine already suffer significant water quality degradation from nutrient pollution; and

**Whereas**, as an example of known nutrient conditions in Maine, of 655 water samples collected over 6 years at a site in Casco Bay, 12% collected during the critical summer months exceeded the threshold for medium risk for impairment due to nutrients, as defined in national coastal assessments; and

**Whereas**, in 2001, the United States Environmental Protection Agency requested the State to establish nutrient criteria for state waters; and