

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

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

Whereas, good progress has been made by the Department of Environmental Protection toward establishing freshwater criteria; however, little progress has been made toward establishing nutrient criteria for marine waters; now, therefore, be it

Sec. 1. Nutrient criteria planning process established. Resolved: That the Department of Environmental Protection, referred to in this resolve as "the department," shall initiate the development of water quality criteria for nutrients in state coastal waters by developing:

1. A conceptual plan to establish appropriate nutrient criteria for all coastal areas of the State;
2. A work plan and timeline leading to approved nutrient criteria for coastal waters;
3. A report on available technological approaches to nutrient reduction of wastewater, including projected costs on a per unit basis; and
4. An inventory of significant point and nonpoint sources of nutrients to the waters of Casco Bay; and be it further

Sec. 2. Consultation. Resolved: That, in order to identify a reasonable plan for establishing appropriate nutrient criteria, in developing the information and material under section 1, the department shall initiate a series of discussions with wastewater treatment facilities and interested organizations to solicit input and gather information. The department shall request some affected entities to suggest work plans and timelines for complying with nutrient criteria; and be it further

Sec. 3. Casco Bay priorities. Resolved: That the department shall initially focus on the waters of Casco Bay due to its:

1. Being the receiving water for the most populated watershed in the State;
2. Bordering one of the most residentially and industrially developed regions in the State;
3. Facing the effects of future development;
4. High concentrations of nutrients; and
5. Comprehensive set of available nutrient data; and be it further

Sec. 4. Legislation authorized. Resolved: That the department shall report its findings and submit the material developed pursuant to section 1 and any necessary legislation to implement its findings to the Joint Standing Committee on Natural Resources no later than January 31, 2008. The Joint Standing Committee on Natural Resources is authorized to

submit legislation to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 50

S.P. 443 - L.D. 1280

Resolve, Regarding the Training Curriculum and Skills of Certified Nursing Assistants

Sec. 1. Review of training curriculum and skills of certified nursing assistants. Resolved: That the State Board of Nursing shall review the training curriculum and skills for certified nursing assistants. In reviewing the curriculum and skills the board shall invite the participation of stakeholders and interested parties. The review must include the care of feeding tubes and cough-assist and suctioning devices. The board shall report to the Joint Standing Committee on Health and Human Services by January 15, 2008 on the results of the review and any recommended training curriculum and skills changes.

See title page for effective date.

CHAPTER 51

H.P. 956 - L.D. 1347

Resolve, Regarding Alternative Fuel Incentives To Stimulate the Production, Distribution and Use of Biofuels

Sec. 1. Study of policy options for alternative fuel incentives. Resolved: That the Executive Department, Office of Energy Independence and Security shall study and make policy recommendations regarding the establishment of an alternative fuel incentive program to stimulate the production, distribution and use of biofuels in the State. The study must address, but is not limited to:

1. A review of alternative fuel incentive laws and programs at the federal level and in other states including, but not limited to, the state of Pennsylvania;
2. Policy options for the form and type of incentives, including, but not limited to, grants for expenses relative to retrofitting vehicles to operate on alternative fuels; grants for incremental costs of purchasing alternative fuel vehicles; grants for the purchase of refueling equipment; grants for research and development of new applications of alternative fuel vehicles; rebates for residents who purchase alternative fuel