

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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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, 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

vehicles; and incentive payments to producers of alternative fuels;

3. Goals and criteria to guide the awarding of alternative fuel incentives, including, but not limited to: improvement of air quality; protection of the natural environment; economic development; promotion of indigenous resources; reduction of the State's dependence on petroleum products; cost-effective use of private and public funding; and the transfer and commercialization of alternative energy technologies;

4. Policy options for administrative responsibility and oversight of an alternative fuel incentive program; and

5. Policy options for funding alternative fuel incentives; and be it further

Sec. 2. Report. Resolved: That by January 15, 2008 the Executive Department, Office of Energy Independence and Security shall report its findings and recommendations to the Joint Standing Committee on Utilities and Energy. The report must include draft legislation to implement the recommendations; and be it further

Sec. 3. Authority to submit legislation. Resolved: That the Joint Standing Committee on Utilities and Energy may submit legislation relating to the subject matter of this resolve to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 52

H.P. 973 - L.D. 1381

Resolve, To Ensure the Success of Regional Climate Change Efforts

Sec. 1. Office of Public Advocate study. Resolved: That the Office of the Public Advocate shall, in consultation with the Public Utilities Commission, other state agencies and interested members of the public, convene a study group to review the status of the regional greenhouse gas initiative authorized by the Maine Revised Statutes, Title 38, section 579, referred to in this resolve as "the initiative"; to examine existing information and analyses regarding the impact of the initiative on electric rates for Maine electricity consumers; and to identify alternatives for reducing the cost of implementation of the initiative for Maine electricity consumers. The Public Advocate shall ensure that the study group meets sufficiently often to achieve these purposes. The Public Advocate shall, based on the work of the study group, prepare a report on identified impacts of the initiative on electricity costs and alternatives to reduce these costs and may include in the report proposed legisla-

tion designed to reduce identified costs and to ensure the successful implementation of the initiative. The report may include information provided to the Public Advocate from other sources regarding the effect of the initiative on Maine electricity consumers or the Maine economy. The report, including any proposed legislation, must be submitted to the Joint Standing Committee on Utilities and Energy by January 1, 2008. The committee may submit legislation to the Second Regular Session of the 123rd Legislature relating to the subject matter of this resolve.

See title page for effective date.

CHAPTER 53

H.P. 1314 - L.D. 1880

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Safety of Children at Day Care Facilities with Swimming Pools

Sec. 1. Adoption of rules governing swimming pools at day care facilities. Resolved: That the Department of Health and Human Services shall adopt rules governing the use of swimming pools at day care facilities and the safety of the children using those swimming pools. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Emergency rules. Resolved: That the Department of Health and Human Services is authorized to adopt major substantive rules on an emergency basis pursuant to the Maine Revised Statutes, Title 5, section 8073 during calendar year 2007 with regard to the use of swimming pools at day care facilities and the safety of the children using those swimming pools.

See title page for effective date.

CHAPTER 54

H.P. 329 - L.D. 413

Resolve, Regarding the Reentry of Electric Utilities into the Energy Supply Business

Sec. 1. Review of electric utility participation in energy supply and related issues. Resolved: That the Public Utilities Commission shall undertake a review of the issue of electric utilities'