

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

repair and improvement account for capital improvements or other account to benefit the statewide radio and network system under the Maine Revised Statutes, Title 5, section 1520 as designated by the commissioner; and be it further

Sec. 8. Report. Resolved: That the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2011 with any actions taken pursuant to this resolve; and be it further

Sec. 9. Repeal. Resolved: That this resolve is repealed 3 years from its effective date.

See title page for effective date.

CHAPTER 151

H.P. 1308 - L.D. 1876

Resolve, Regarding the Maine State Cultural Building in Augusta

Sec. 1. Director of the Bureau of General Services to report on the status of the Maine State Cultural Building in Augusta. Resolved: That the Director of the Bureau of General Services within the Department of Administrative and Financial Services, referred to in this resolve as "the director," shall provide a report on the status and future of the Maine State Cultural Building in Augusta, taking into account the prior work on this topic, including the work of the task force authorized by Resolve 2005, chapter 168. In preparing this report, the director shall consult with the Secretary of State, who represents the task force established by Resolve 2005, chapter 168, and other individuals or organizations determined by the director; and be it further

Sec. 2. Application authorized. Resolved: That the director is authorized to apply for grant money for funding, including from the New Century Community Program, and to expend in compliance with other applicable law any such funds received for architectural or other professional services in connection with the report required in section 1; and be it further

Sec. 3. Report. Resolved: That the director shall submit the report on the status and future of the Maine State Cultural Building pursuant to section 1 to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than February 1, 2009; and be it further

Sec. 4. Authority to report out legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit legislation

concerning the Maine State Cultural Building to the First Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 152

H.P. 1519 - L.D. 2139

Resolve, Directing the Bureau of Financial Institutions To Study Data Security Breaches in the State

Sec. 1. Bureau of Financial Institutions directed to study the effect of security breaches in Maine. Resolved: That the Department of Professional and Financial Regulation, Bureau of Financial Institutions, in consultation with the Maine Credit Union League, the Maine Association of Community Banks, the Maine Bankers Association and the New England Financial Services Association, shall conduct a study of the impact of data security breaches since January 1, 2007 that have or should have been reported to state regulators under the Maine Revised Statutes, Title 10, chapter 210-B on Maine banks and credit unions, including the response of financial institutions to such breaches and the actual costs and expenses incurred as a result of such breaches, to the extent information is available; and be it further

Sec. 2. Reporting date. Resolved: That the Department of Professional and Financial Regulation, Bureau of Financial Institutions shall submit its findings under section 1 to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters by December 1, 2008.

See title page for effective date.

CHAPTER 153

H.P. 1564 - L.D. 2194

Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

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 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control 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 March 17, 2008.

CHAPTER 154

H.P. 1578 - L.D. 2211

Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

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 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control 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 March 17, 2008.

CHAPTER 155

S.P. 660 - L.D. 1843

Resolve, To Eliminate or Reduce the Health Care Data Collection Problems Associated with Global Claims

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 existence of global claims is creating serious problems with the identification of practitioners and the computation of payments in the data currently collected by the Maine Health Data Organization and used by the Maine Quality Forum and the Governor's Office of Health Care Policy and Finance and must be addressed; and

Whereas, the solution to the problem will be complex, involve a number of entities and take a number of months to achieve; and

Whereas, emergency enactment is required to enable the interested parties time to work together and to take action prior to the report due to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009; and