

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

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

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. Study. Resolved: That representatives of health insurance carriers licensed in the State, 3rd-party administrators and hospitals licensed in the State, with representatives of the Maine Association of Health Plans, the Maine Hospital Association and the Maine Health Data Organization, all of whom are referred to in this resolve as “the work group,” shall meet to evaluate the Maine combined bill demonstration project, as proposed by the National Uniform Billing Committee. The work group may identify and propose an alternative that will solve the data collection problems associated with global claims; and be it further

Sec. 2. Report. Resolved: That the work group shall report the findings of the study under section 1 to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009.

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

Effective March 18, 2008.

CHAPTER 156

H.P. 1376 - L.D. 1942

Resolve, Regarding Loans for Geothermal Heating Systems

Sec. 1. Loans for commercial geothermal heating units; report. Resolved: That the Public Utilities Commission may provide loans for geothermal heating systems under the Energy Conservation Small Business Revolving Loan Program, established under the Maine Revised Statutes, Title 35-A, section 10005. No later than January 15, 2009, the Public Utilities Commission shall report to the joint standing committee of the Legislature having jurisdiction over energy matters regarding the number, amount and characteristics of loans made during the previous program year for geothermal heating systems and other energy conservation measures under the Energy Conservation Small Business Revolving Loan Program. The commission may submit this information as part of the conservation program report required by Title 35-A, section 3211-A, subsection 11; and be it further

Sec. 2. Loans for residential geothermal heating units; report. Resolved: That the Maine State Housing Authority may provide loans for the

installation of geothermal heating systems under the Home Energy Loan Program. No later than January 15, 2009, the Maine State Housing Authority shall report to the joint standing committee of the Legislature having jurisdiction over energy matters regarding the number, amount and characteristics of loans made during the previous program year for geothermal heating systems and other energy conservation measures under the Home Energy Loan Program.

See title page for effective date.

CHAPTER 157

H.P. 1521 - L.D. 2141

Resolve, Regarding Legislative Review of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission

Sec. 1. Adoption. Resolved: That final adoption of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, 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 only if that portion of the rule designated Section 3(A)(1) is amended to provide that if a residential customer is subject to an involuntary disconnection, the local exchange carrier is required to provide soft dialtone to the telephone line of the customer for no less than 90 days following the date on which the line was involuntarily disconnected; and be it further

Sec. 2. Review; authority for legislation. Resolved: That the Public Utilities Commission shall examine the first year of experience under the commission's rule, Chapter 3, Provision of Enhanced E-9-1-1 Access-only Service, as adopted pursuant to section 1, with particular attention to the duration of the soft dialtone requirement. No later than December 31, 2009, the commission shall submit a report of its findings and recommendations to the joint standing committee of the legislature having jurisdiction over utilities matters. The report must address the duration of the soft dialtone requirement. Following its review of the report, the committee may submit legislation to the Second Regular Session of the 124th Legislature regarding enhanced E-9-1-1 access-only service; and be it further

Sec. 3. Effective date. Resolved: That, notwithstanding the Maine Revised Statutes, Title 5,