

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

**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.

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**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.

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**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,

chapter 375, subchapter 2-A, final adoption of Chapter 3, Provision of Enhanced E-9-1-1 Access-only Service pursuant to section 1 takes effect October 1, 2008.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 158**

**H.P. 1387 - L.D. 1949**

**Resolve, Regarding Special Education Evaluations**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to facilitate planning by local schools; 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. Department of Education to amend rules. Resolved:** That the Department of Education shall amend its rules governing special education to provide a deadline of 45 school days for the completion of an evaluation.

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

Effective March 21, 2008.

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**CHAPTER 159**

**H.P. 1539 - L.D. 2165**

**Resolve, Regarding Legislative Review of Portions of Chapter 103: Sensible Transportation Policy Act, a Major Substantive Rule of the Department of Transportation**

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 103: Sensible Transportation Policy Act, a provisionally adopted major substantive rule of the Department of Transportation that has been submitted to the Legislature for review

pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

See title page for effective date.

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**CHAPTER 160**

**H.P. 1536 - L.D. 2162**

**Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation**

**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 850: Health Plan Accountability, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation 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 21, 2008.

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