

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 15: Batterer Intervention Program Certification, a provisionally adopted major substantive rule of the Department of Corrections 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 26, 2008.

## CHAPTER 168

S.P. 815 - L.D. 2135

### Resolve, Regarding Public Safety and Protection Related to Gas and Electric Utilities

**Sec. 1. Public Utilities Commission study regarding gas and electric utilities. Resolved:** That, for the purpose of minimizing potential harm to consumers and other affected persons, the Public Utilities Commission shall study and make recommendations for improvements to the statutes and rules governing the responsibilities of electric utilities and their customers with respect to the testing, repair and replacement of electric utility equipment and the protection of customer equipment, and the responsibilities of gas utilities with respect to public safety, with particular attention to excavation activity. The study must address, but is not limited to, notification policies and procedures relating to gas and electric utility work, including persons to be notified, the sufficiency of existing penalties in deterring noncompliance with the statutes and rules, public awareness of the rights and responsibilities of utilities and consumers and, with respect to gas utilities, coordination with any changes in federal rules governing gas safety; and be it further

**Sec. 2. Report; authority for legislation. Resolved:** That, no later than November 5, 2008, the Public Utilities Commission shall report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities matters. The committee may submit legislation to the First Regular Session of the 124th Legislature relating to the subject matter of this resolve.

See title page for effective date.

## CHAPTER 169

H.P. 1533 - L.D. 2158

### Resolve, Regarding Legislative Review of Portions of Chapter 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, Proposed Fee, a Major Substantive Rule of the Department of Marine Resources

**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 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, proposed fee, a provisionally adopted major substantive rule of the Department of Marine Resources 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 the rule is amended as follows:

1. Language is deleted specifying that the landing tag fee will be set at a rate determined by the department that will cover the costs of the tag, administration and mailing; and

2. Language is added providing that the landing tag fee will be \$1 except that the department may increase the fee to cover increased tag, administration and mailing costs and that a portion of the tag fee may be used to fund Atlantic halibut research.

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

Effective March 27, 2008.

## CHAPTER 170

S.P. 758 - L.D. 1964

### **Resolve, To Require Rulemaking Concerning Landfill Gas and Odor Management**

**Sec. 1. Landfill gas and odor management rules. Resolved:** That the Department of Environmental Protection, Board of Environmental Protection shall adopt rules concerning landfill gas and odor management that incorporate quantitative standards that can be used to measure compliance. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. By January 15, 2009, the Department of Environmental Protection shall submit a report on the status of the rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

See title page for effective date.

## CHAPTER 171

H.P. 1411 - L.D. 2027

### **Resolve, To Examine the Information, Training and Support Services Provided to Parents of Children with Disabilities**

**Sec. 1. Work group review of resources available to families of children with disabilities. Resolved:** That the Maine Developmental Disabilities Council, established by the Maine Revised Statutes, Title 5, section 12004-I, subsection 66 and referred to in this resolve as "the council," shall convene a work group to examine the information, training and support services that are available to the families of children with disabilities regarding special education programs and special education services. The work group shall:

1. Review existing information, training and support services available to families of children with disabilities, including the extent to which ombudsman services would be beneficial to the parents of children with disabilities;

2. Identify gaps and other limitations in existing resources that limit the capacity to address families' needs for information, training and support services to effectively participate in programming for their children;

3. Identify potential additional resources needed to address gaps and limitations in existing resources;

4. Consider input gathered from the families of children with disabilities across the State; and

5. Develop recommendations for changes in current law, rules or policies; and be it further

**Sec. 2. Work group membership. Resolved:** That the work group convened pursuant to section 1 consists of members appointed by the executive committee of the council to represent the following organizations:

1. Maine Parent Federation, Inc.;
2. Maine Administrators of Services for Children with Disabilities;
3. Maine Education Association;
4. Maine Principals' Association;
5. Disability Rights Center;
6. KIDS Legal, a statewide project of Pine Tree Legal Assistance;
7. Maine Developmental Disabilities Council;
8. Learning Disabilities Association of Maine;
9. Autism Society of Maine;
10. The Maine Transition Network that implements the transition service coordination as set forth in the Maine Revised Statutes, Title 20-A, chapter 308;
11. Maine Children's Alliance;
12. Department of Education; and
13. Other organizations as determined by the executive committee of the council; and be it further

**Sec. 3. Convening of work group; staffing assistance; funding. Resolved:** That the council shall provide the necessary resources to organize and support the work of the work group convened pursuant to section 1, including convening and providing any necessary staffing services for the work group; and be it further

**Sec. 4. Report. Resolved:** That the council shall submit a report that includes a summary of input gathered from families across the State regarding the information, training and support services available to them and the findings of the work group convened pursuant to section 1, recommendations and any suggested legislation to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 31, 2009. Upon receipt of