

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

munity members, law enforcement and organizations that provide services to domestic violence victims in order to determine which programs are working effectively, how to better reach underserved populations and concerned community members and what programs are missing or insufficiently funded;

3. The feasibility of providing increased funding from outside sources for safe houses and crisis assistance for victims and their families;

4. The feasibility of providing increased funding from outside sources for free and more accessible counseling and support services for victims; and

5. The feasibility of providing increased interventions to the victims, their families and communities concerning domestic violence and how to find and access services; and be it further

Sec. 2. Review domestic violence laws. Resolved: That the Department of Public Safety shall endeavor to review the effectiveness of the provisions of the Maine Criminal Code related to domestic violence; and be it further

Sec. 3. Funding. Resolved: That the Department of Public Safety shall endeavor to secure outside funding and resources, including but not limited to the use of grants and interns, to undertake the review under sections 1 and 2 and shall limit its work to that which can be accomplished from sources other than appropriations from the General Fund or Highway Fund; and be it further

Sec. 4. Report. Resolved: That the Department of Public Safety shall submit a report of its findings, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than December 10, 2008. After receipt and review of the report, the joint standing committee may submit legislation based on the report to the First Regular Session of the 124th Legislature.

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

Effective April 11, 2008.

CHAPTER 197

H.P. 421 - L.D. 543

Resolve, To Direct a Review of Issues Concerning the Maine Tree Growth Tax Law

Sec. 1. Review of Maine Tree Growth Tax Law issues. Resolved: That the Director of the Maine Forest Service within the Department of Conservation shall convene a task force of interested par-

ties to review the issues in this section related to the Maine Tree Growth Tax Law:

1. The advisability of revising the timing of determining the forest growth rate portion and whether the current method of determining stumpage values should be broadened to provide for larger regions;

2. Whether data supports the perception that some land is being classified under the Maine Tree Growth Tax Law that does not meet statutory requirements or the purpose of the law as described in the Maine Revised Statutes, Title 36, section 572. In order to complete this task, the task force shall analyze data collected by the Department of Conservation, Maine Forest Service; the Department of Administrative and Financial Services, Maine Revenue Services; municipalities; and any other reliable source; and

3. The best methods for ensuring that municipalities and landowners are aware of the requirements of the Maine Tree Growth Tax Law and the availability of assistance from the Department of Conservation, Maine Forest Service in determining eligibility and meeting the ongoing requirements of the law; and be it further

Sec. 2. Members of task force. Resolved: That the Director of the Maine Forest Service within the Department of Conservation shall invite to participate in the task force no more than 7 members who are representatives of interested landowner groups, municipal government and conservation groups. The State Tax Assessor shall appoint a person from the Department of Administrative and Financial Services, Maine Revenue Services to participate in the task force; and be it further

Sec. 3. Report. Resolved: That the Director of the Maine Forest Service within the Department of Conservation shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 15, 2009 describing the work of the task force and any recommendations of the task force for statutory changes with regard to the issues reviewed. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over taxation matters may submit legislation to the First Regular Session of the 124th Legislature based on the report.

See title page for effective date.

CHAPTER 198

H.P. 1251 - L.D. 1797

Resolve, To Advance Maine's HealthInfoNet Program

Sec. 1. Stakeholder process. Resolved: That the Maine Quality Forum and HealthInfoNet

shall work together to convene a broadly representative stakeholder group to study and make recommendations for establishing and financing a quality improvement and technology fund that would initially contribute to HealthInfoNet's establishment and sustainability and make it possible for health care providers with limited financial resources to obtain electronic medical record systems.

1. The work of the stakeholder group must include: identification of broad-based, stable, ongoing revenue sources; development of a technology investment account to help ensure the establishment of HealthInfoNet and provide financial assistance to health care providers with limited resources with the costs of electronic medical records and e-prescribing; estimating return on investment from shared electronic clinical information; establishing eligibility criteria for funding assistance; developing a methodology for measuring the quality and cost impact of HealthInfoNet and shared electronic clinical information; and providing recommendations, including legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 1, 2008.

2. The stakeholder group must be broadly representative of persons and entities in the health care field, and representatives must be invited, at a minimum, from the following: providers and payors of health care services, associations of providers and payors, providers of long-term care and assisted living services, rural health clinics and associations representing those providers, Maine pharmacies, the pharmaceutical manufacturing industry, public health advocates and entities, state agencies that provide and pay for health care services, the Governor's Office of Health Policy and Finance, the Muskie School of Public Service, the MaineCare Advisory Committee, the Governor's MaineCare Providers' Advisory Group, the American Association of Retired Persons, the Finance Authority of Maine, the Maine Health and Higher Educational Facilities Authority, the Maine Technology Institute, the Maine State Chamber of Commerce and HealthInfoNet.

The stakeholder group must meet in May, June, July, September, October and November of 2008. All meetings must be public meetings. Legislators must be provided notice of the meeting dates and encouraged to attend as observers.

The expenses of convening the stakeholder group must be borne by HealthInfoNet.

The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to submit legislation to the 124th

Legislature pertaining to establishing and financing a quality improvement and technology fund.

See title page for effective date.

CHAPTER 199

H.P. 1417 - L.D. 2033

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing Water Activities Offered by Licensed Child Care Facilities

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 Department of Health and Human Services has adopted rules governing the use of pools by licensed child care facilities; and

Whereas, these rules do not address the use of lakes and ponds by licensed child care facilities; and

Whereas, it is imperative that this issue be addressed prior to the summer season; 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 of rules. Resolved: That the Department of Health and Human Services shall adopt rules governing the use of lakes and ponds by licensed child care facilities and certified family child care providers. The rules must allow a child care facility or a family child care provider to use a lake or pond for water activities without a lifeguard on duty as long as the family child care provider or child care facility has written permission from the parent or guardian of every child who participates in water activities and a written water safety plan and meets all of the other water safety rules for swimming pools. The water safety plan must ensure that:

1. The staff-to-child ratios for swimming pools are maintained and that no fewer than 2 people who are at least 18 years of age are present at all times;

2. At least one person present is trained as a water safety attendant as defined in the rules for swimming pools;

3. A barrier is provided, such as a roped-off area with buoys, that is no wider than 16 feet across at any point and partitions off a part of the water that is no