

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

1. Existing statutory and regulatory provisions pertaining to the breeding and sale of dogs and cats, including definitions;

2. The criteria and availability of documentation to determine when a kennel or breeding kennel license is required; and

3. Statutes relating to both inspection and licensing authority in order to strengthen current authority of both municipal animal control officers and state humane agents to carry out their statutory duties under state animal welfare laws and rules.

The commissioner, in consultation with the working group, may examine definitions and provisions in other states and in federal regulations that distinguish between types of facilities requiring licenses and discuss the advisability of making regulatory distinctions based on the number of dogs or cats or any other criteria; and be it further

Sec. 3. Reporting date established. Resolved: That, no later than January 15, 2009, the Commissioner of Agriculture, Food and Rural Resources shall submit a report with findings and recommendations pursuant to the review under section 2, including any recommended legislative changes, to the joint standing committee of the Legislature having jurisdiction over animal welfare matters. The joint standing committee of the Legislature having jurisdiction over animal welfare matters may submit legislation pertaining to the definition and regulation of breeding facilities, breeding and sale of dogs and cats, enforcement of the State's animal welfare laws and regulations and humane treatment of dogs and cats to the First Regular Session of the 124th Legislature. The Department of Agriculture, Food and Rural Resources shall post the report on its publicly accessible website as soon as practicable.

See title page for effective date.

CHAPTER 204

H.P. 1558 - L.D. 2188

**Resolve, To Establish a
Moratorium on Development
in Saco Bay**

Sec. 1. Moratorium adopted. Resolved: That the Legislature finds that the waters and coastal resources of Saco Bay represent an important and unique environmental and economic resource for the communities surrounding Saco Bay and that it is necessary to examine the adequacy of the regulatory structure for new uses affecting multiple municipalities. There is a moratorium for 18 months on the processing or issuance of new submerged lands leases for commercial projects by the Department of Conser-

vation, Bureau of Parks and Lands and aquaculture leases by the Department of Marine Resources in any part of Saco Bay from Prouts Neck to East Point at Biddeford Pool and including islands in the bay; and be it further

Sec. 2. Working group established. Resolved: That the Town of Old Orchard Beach and the City of Saco may provide representatives to convene a working group to examine municipal boundaries, regulatory jurisdictions and parameters for future development in Saco Bay. If a working group is convened, the Legislature intends that the Director of the State Planning Office within the Executive Department or the director's designee be invited as well as representatives of the Department of Marine Resources and the Department of Conservation, Bureau of Parks and Lands and any other departments that are determined appropriate. Representatives of the Town of Scarborough and the City of Biddeford must also be invited to participate in the working group; and be it further

Sec. 3. Working group report. Resolved: That, if a working group is established pursuant to section 2, it is authorized to submit a report on its findings related to municipal boundaries, regulatory jurisdiction and future development strategies in Saco Bay to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2009; and be it further

Sec. 4. Authority to submit 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 moratorium and the working group's findings to the First Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 205

H.P. 1612 - L.D. 2250

**Resolve, Regarding Legislative
Review of Portions of Chapter
220: Methodology for
Identification of Regional
Service Centers, a Major
Substantive Rule of the
Executive Department, State
Planning Office**

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 220: Methodology for Identification of Regional Service Centers, a provisionally adopted major substantive rule of the Executive Department, State Planning Office 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 April 15, 2008.

CHAPTER 206

S.P. 785 - L.D. 1991

Resolve, To Create a Working Group To Develop Options for Long-term Funding for the Northern New England Poison Center

Sec. 1. Resolved: That the Department of Health and Human Services shall convene a working group to develop options for ongoing funding for the Northern New England Poison Center. The working group must include representatives of the center, medical and emergency services providers and other organizations and interested parties. The department shall submit a brief report including options and recommendations for funding the center to the joint standing committee of the Legislature having jurisdiction over health and human services matters not later than January 15, 2009. The committee may submit a bill to the First Regular Session of the 124th Legislature in response to the report.

See title page for effective date.

CHAPTER 207

H.P. 1649 - L.D. 2287

Resolve, Regarding Legislative Review of Portions of Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

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 Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services 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 provisions related to record keeping and retention of financial records are amended to indicate that complete documentation means clear written evidence of all transactions of the provider entities related to the delivery of services, including, but not limited to, daily census data, invoices, payroll records, copies of governmental filings, staff schedules, time cards and member service charge schedules, or any other records necessary to provide the Commissioner of Health and Human Services with the highest degree of confidence that such services have actually been provided.