

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

3. Produces a pathway that supports student completion of an associate degree at a participating community college and a baccalaureate degree at a participating university with the minimum number of credits required to graduate from each participating institution;

4. Supports and promotes student success in and between each participating institution; and

5. Leads to higher completion rates for students.

The participating colleges and universities shall ensure that they achieve their goals by designing an evaluation instrument to monitor progress of the pilot program; and be it further

Sec. 3. Report. Resolved: That the Maine Community College System and the University of Maine System shall provide an interim report on the progress of the pilot program no later than January 1, 2010 to the Joint Standing Committee on Education and Cultural Affairs. Following the completion and graduation of the first participating class of students involved in the pilot program, the Maine Community College System and the University of Maine System shall submit a report with an assessment and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters on the future of the pilot program. The joint standing committee is authorized to submit legislation regarding the report during the legislative session in which the report is submitted.

See title page for effective date.

CHAPTER 29

H.P. 508 - L.D. 749

Resolve, Directing the Department of Education To Take Measures To Assist Blind and Visually Impaired Students

Sec. 1. Braille transcriber and assistant. Resolved: That, in order to ensure that blind and visually impaired students are provided with assistance from professionals trained to transcribe and produce Braille documents for students, the Department of Education, referred to in this resolve as "the department," shall develop a proposal to establish standards for the credentialing of Braille transcribers and assistants. The department shall investigate the training required for Braille transcribers in other states in order to ensure comparable training for such a position; and be it further

Sec. 2. Provide for employment. Resolved: That the department may consider the employment of Braille transcribers and assistants who are

receiving training in Braille as an approved special education cost; and be it further

Sec. 3. Report. Resolved: That the department shall present its proposal to the Joint Standing Committee on Education and Cultural Affairs no later than December 3, 2009. After receipt and review of the report, the Joint Standing Committee may report out legislation to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 30

H.P. 399 - L.D. 561

Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland, Farmland or Coastal Lands

Sec. 1. Policies. Resolved: That the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, the Department of Marine Resources, the Department of Agriculture, Food and Rural Resources and the Department of Conservation, referred to in this resolve as "the departments," shall develop written policies regarding entering private woodland, farmland or coastal lands for non-emergency purposes to collect information. The policies must address such items as when prenotification or permission is appropriate; when no notification or permission is needed; what constitutes notification or permission; motorized and nonmotorized access; and when woodland or farmland owners or owners of coastal lands should be informed regarding potential uses of data or information collected. The departments may have different policies for accessing woodland, farmland or coastal lands for different purposes. This resolve does not interfere with the departments' enforcement authority; and be it further

Sec. 2. Feedback from woodland owners. Resolved: That, in developing the policies under section 1, the departments shall solicit feedback from woodland and farmland owners and owners of coastal lands. The departments shall ensure that department employees are aware of and comply with the policies. The departments may alter these policies as necessary; and be it further

Sec. 3. No rulemaking. Resolved: That the policies required under this resolve do not constitute rules and the departments are not required to further undertake rulemaking for purposes of adopting these policies; and be it further

Sec. 4. Report on policies; legislation authorized. Resolved: That the departments shall

report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2010 on the policies developed under section 1. The report must include a copy of each department's policies pertaining to accessing private woodlands, farmlands and coastal lands and a summary of input received from farmland and woodland owners and owners of coastal lands during the development of these policies. The report must also include a description of how information collected on private land is used by the departments, the types of information that are available to the public and how that information is provided.

The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 124th Legislature pertaining to state employees' access to private lands or the dissemination of information collected on private lands; and be it further

Sec. 5. Adoption. Resolved: That the policies required under this resolve must be adopted by January 1, 2010.

See title page for effective date.

CHAPTER 31

H.P. 239 - L.D. 299

Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Office of the State Fire Marshal

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 4: Water-based fire protection systems, a provisionally adopted major substantive rule of the Department of Public Safety, Office of the State Fire Marshal 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 May 8, 2009.

CHAPTER 32

H.P. 505 - L.D. 722

Resolve, Directing a Review of the Management of Risks Associated with Surface Uses on Public Water Supplies

Sec. 1. Agency review of management of risks associated with surface uses on public water supplies; report; authority to submit legislation. Resolved: That the drinking water program of the Department of Health and Human Services is directed to review the management of risks associated with surface uses on lakes and ponds that are public water supplies. The drinking water program shall invite the participation of state agencies involved in locating, maintaining and managing access to and surface uses on lakes and ponds used as public water sources. By January 5, 2010, the drinking water program shall submit to the Joint Standing Committee on Natural Resources recommendations, including implementing legislation if any, on managing the risks in a way that balances public health and safety and recreational uses. The Joint Standing Committee on Natural Resources may submit legislation concerning the recommendations to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 33

S.P. 226 - L.D. 611

Resolve, To Provide Reimbursement in the MaineCare Program for Board-certified Behavior Analysts

Sec. 1. Reimbursement for board-certified behavior analysts. Resolved: That the Department of Health and Human Services shall amend the