

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

forest products industry, transmission and distribution utilities and other interested parties to participate in the stakeholder group; and be it further

Sec. 2. Cogeneration energy zone. Resolved: That, for the purposes of this resolve, "cogeneration energy zone" means a designated geographic area that includes a sawmill that has an on-site cogeneration facility. The stakeholder group under section 1 shall consider the following criteria in developing the concept of cogeneration energy zones:

1. Allowing the zone to include not less than 2 and not more than 10 manufacturing facilities, including the subject sawmill;
2. Limiting the zone to a maximum radius of 10 miles;
3. Limiting the cogeneration facility to an installed capacity limit of 5 megawatts;
4. Requiring the cogeneration facility to meet fuel system efficiency standards or use a renewable resource as its fuel input;
5. Allowing the sawmill that owns the on-site cogeneration facility and other entities within the zone that share an ownership interest in the cogeneration facility to elect net energy billing. If the cogeneration facility has an installed capacity of more than 660 kilowatts and net energy billing is elected, the sawmill and any shared ownership customers that elect net energy billing would be required to pay a fee to the transmission and distribution utility to mitigate cost shifting to other ratepayers. If the cogeneration facility has an installed capacity of 660 kilowatts or less, the Public Utility Commission's rules governing net energy billing would apply. If there is no shared ownership of the cogeneration facility, the sawmill may sell its net excess generation pursuant to the small generator aggregation law under the Maine Revised Statutes, Title 35-A, section 3210-A;
6. Allowing the construction of a private transmission line to be considered, subject to the requirements of Title 35-A, section 2305-B if the transmission and distribution utility serving the location of the cogeneration facility does not have the capacity to transmit the output of the cogeneration facility to the shared ownership customers; and
7. Allowing the nonelectric energy produced by the cogeneration facility to be shared with other entities through private agreement; and be it further

Sec. 3. Report; authority for legislation. Resolved: That, no later than February 15, 2010, the Executive Department, Governor's Office of Energy Independence and Security shall submit to the Joint Standing Committee on Utilities and Energy a report of the findings and recommendations of the stakeholder group under section 1, including any suggested legislation. After receipt and review of the report, the

committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature regarding cogeneration energy zones.

See title page for effective date.

CHAPTER 82

H.P. 662 - L.D. 960

Resolve, Requiring Rulemaking by the Maine Health Data Organization in Consultation with the Maine Quality Forum Regarding Clostridium Difficile and Methicillin-resistant Staphylococcus Aureus

Sec. 1. Rules. Resolved: That, by January 1, 2010, the Maine Health Data Organization in consultation with the Maine Quality Forum shall adopt rules regarding public reporting by hospitals on issues regarding methicillin-resistant *Staphylococcus aureus* and *Clostridium difficile* to include:

1. Reporting on the hospital's adoption of a multiple drug-resistant organism prevention program as part of the hospital's broader health-care-associated infection prevention strategies, including hand hygiene, contact precautions that include barriers as appropriate, isolation policies, design of a response to increases in infection rates and environmental precautions; and
2. Reporting on the hospital's quarterly submission to the Maine Health Data Organization of the number of patients at high risk for methicillin-resistant *Staphylococcus aureus* and the number of these patients surveilled in the hospital's targeted surveillance of high-risk populations.

The rules must include a definition of "high risk" and the components of a targeted surveillance program that follow the federal Centers for Disease Control and Prevention guidelines and are determined by the Maine Quality Forum in consultation with the Maine Infection Prevention Collaborative by October 1, 2009.

The Maine Quality Forum, in conjunction with members of a statewide collaborative group of infection prevention specialists, a representative of a statewide organization representing nurses and a person representing consumers, shall design metrics for assessment of reporting functions and establish performance measures, which must be posted on the Maine Quality Forum's publicly accessible website, and include the performance measure data in the annual Maine Quality Forum report to the Legislature re-

quired by the Maine Revised Statutes, Title 24-A, section 6951, subsection 10.

Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 83

H.P. 777 - L.D. 1122

Resolve, Regarding Legislative Review of Portions of Chapter 101: Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance

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 101: Establishment of the Capital Investment Fund, a provisionally adopted major substantive rule of the Governor's Office of Health Policy and Finance 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 June 2, 2009.

CHAPTER 84

H.P. 987 - L.D. 1411

Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization

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 120: Release of Data to the Public, a provisionally adopted major substantive rule of the Maine Health Data Organization 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 June 2, 2009.
