

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

Whereas, the terms of board members of the Finance Authority of Maine have over time become less staggered, leading to numerous terms expiring at similar times; and

Whereas, it is desirable to avoid excessive simultaneous turnover; 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. Members of the Finance Authority of Maine; terms. Resolved: That, notwithstanding the Maine Revised Statutes, Title 10, section 966, the terms of certain members of the Finance Authority of Maine are as follows:

- 1. The term of the member appointed pursuant to Title 10, section 965, subsection 2, paragraph B, following its expiration in 2013, next expires in 2015;
- 2. The term of the member appointed pursuant to Title 10, section 965, subsection 3, paragraph B that expires in 2013 next expires in 2015; and
- 3. The term of the member appointed pursuant to Title 10, section 965, subsection 3, paragraph C, following its expiration in 2013, next expires in 2016.

Following completion of the adjusted terms of members under this section, terms of members under this section are for 4 years.

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

Effective March 17, 2010.

**CHAPTER 163
H.P. 1221 - L.D. 1720**

**Resolve, Regarding
Waste-to-energy Power**

Sec. 1. Waste-to-energy power; examination. Resolved: That the Executive Department, Governor's Office of Energy Independence and Security shall examine the issue of qualifying certain waste-to-energy power for renewable energy credits and renewable resource portfolio requirements. The examination must include, but is not limited to:

- 1. Relevant legislative proposals and actions in the United States Congress and in other states, with particular attention to other states within New England;

2. Appropriate qualifying criteria and technologies, including but not limited to advanced pyrolysis technology;

3. Potential implications of allowing certain waste-to-energy power to qualify for renewable energy credits and renewable resource portfolio requirements, including but not limited to impacts on the market for renewable energy credits and the environment; and

4. Consideration of the renewable resource portfolio requirements specified in the Maine Revised Statutes, Title 35-A, section 3210 and the solid waste management hierarchy specified in Title 38, section 2101.

In carrying out the examination under this section, the Governor's Office of Energy Independence and Security shall, at a minimum, consult with the Passamaquoddy Tribe, the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust; and be it further

Sec. 2. Report; legislation. Resolved: That, by February 15, 2011, the Executive Department, Governor's Office of Energy Independence and Security shall submit a report of its findings and recommendations under section 1, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. After its review of the report, the joint standing committee may submit a bill to the First Regular Session of the 125th Legislature relating to the report.

See title page for effective date.

**CHAPTER 164
H.P. 1239 - L.D. 1742**

**Resolve, Regarding Legislative
Review of Portions of Chapter
232: Well Drillers and Pump
Installers Rules, 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 Chapter 232: Well Drillers and Pump Installers Rules, 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.

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

Effective March 17, 2010.

CHAPTER 165

H.P. 1237 - L.D. 1740

Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections

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 Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a provisionally adopted major substantive rule of the State Board 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 22, 2010.

CHAPTER 166

H.P. 1243 - L.D. 1749

Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, 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 MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, 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.