

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

Bureau of Revenue Services to participate in the working group. The commissioner shall seek participation from other agencies and individuals as needed to assist in determining the products on which to impose a fee, the point of fee collection and an estimate of revenue generated.

The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over agricultural matters and the joint standing committee of the Legislature having jurisdiction over taxation matters no later than January 15, 2011 with recommendations on how to increase revenue from the sales of dairy products.

See title page for effective date.

**CHAPTER 193
H.P. 1270 - L.D. 1780**

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, 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 270: Uniform Reporting System for Quality Data Sets, 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 only if the rule is amended to require report-

ing of the results of a hospital's active surveillance culturing of high-risk patients for methicillin-resistant Staphylococcus aureus and to clarify that the Maine Quality Forum must within 90 days of adoption of the rule establish a schedule for periodic prevalence studies.

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

Effective April 1, 2010.

**CHAPTER 194
H.P. 1284 - L.D. 1796**

Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection

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 881: Fees; Chemical Use in Children's Products, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized until February 1, 2013; and be it further

Sec. 2. Review; authority for legislation. Resolved: That the Department of Environmental Protection shall examine the first 2 years of experience regarding fees assessed under the department's rule, Chapter 881: Fees; Chemical Use in Children's Prod-

ucts, as adopted pursuant to section 1. No later than February 1, 2013, the department shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must identify the reporting fees and alternatives assessment fees actually assessed by the department, the actual costs to the department and the related priority chemicals that were the basis for the fees. The report must also include a description of the process used by the department to contract with contractors to prepare independent reports, including, but not limited to, the use of a competitive bidding process. Following its review of the report, the committee may submit a bill to the First Regular Session of the 126th Legislature regarding fees related to chemical use in children's products.

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

Effective April 1, 2010.

CHAPTER 195

S.P. 733 - L.D. 1818

**Resolve, To Continue
Evaluating Climate Change
Adaptation Options for the
State**

Sec. 1. Continuation of stakeholder group; membership. Resolved: That the Department of Environmental Protection with a stakeholder group authorized pursuant to Resolve 2009, chapter 16 shall continue to evaluate the options and actions available to Maine people and businesses to prepare for and adapt to the most likely impacts of climate change in accordance with Resolve 2009, chapter 16; and be it further

Sec. 2. Reports. Resolved: That, by January 31, 2011, the Department of Environmental Protection shall submit a report on the progress on developing a plan for state climate change adaptation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. By January 31, 2012, the Department of Environmental Protection shall submit a final plan for state climate change adaptation to the Governor and the joint standing committee of the Legislature having jurisdiction over natural resources matters.

See title page for effective date.

CHAPTER 196

H.P. 1315 - L.D. 1828

**Resolve, Regarding Emergency
Communications 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 activities relating to emergency communications services required under this legislation need to be undertaken as soon as possible; 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. Report for Optimum PSAP Reconfiguration Assessment. Resolved: That the Legislature finds the recommendations contained in the January 2010 Report for Optimum PSAP Reconfiguration Assessment, referred to in this resolve as "the Kimball report," submitted to the State by L. R. Kimball under a contract with the Emergency Service Communications Bureau, referred to in this resolve as "the bureau," meet the requirements of Public Law 2009, chapter 219 and are reasonable and a plan for implementing those recommendations should be developed; and be it further

Sec. 2. Actions to implement the Kimball report. Resolved: That the bureau shall, in consultation with public safety answering points and other interested entities, develop a plan for achieving the 15 to 17 public safety answering point configuration proposed in the Kimball report. The bureau, in developing the plan, shall examine the issues raised in the Kimball report, including issues relating to system fragmentation and the separation of E-9-1-1 call processing and dispatch functions; the transfer of E-9-1-1 calls and the absence of key E-9-1-1 features at dispatch-only facilities; the routing of E-9-1-1 wireless telephone calls; rate shopping and cost shifting; and the lack of collaboration among state, county and local agencies. The plan must address how appropriate consolidation studies should be conducted and funded, how appropriate consolidation incentives may be designed and implemented and how consolidation may be coordinated with the development of "Next Generation 9-1-1" as identified in the Kimball report; and be it further

Sec. 3. Report. Resolved: That the Emergency Service Communications Bureau shall submit its plan, together with any recommendations relating to the plan, including draft legislation to implement any recommendations for changes to law, to the Joint