

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

quirements for comparison with implementation methods in this State; and be it further

Sec. 2. Report. Resolved: That the Department of Health and Human Services shall submit a report to the Joint Standing Committee on Health and Human Services by January 1, 2012 that includes:

1. An itemization of federal "any willing provider" laws;
2. Provisions of the laws of this State and rules of the department that implement federal requirements;
3. An analysis of methods used in other states to implement federal requirements; and
4. Recommendations for changes in the laws of this State and rules of the department to give the State more authority to regulate for positive health outcomes, quality of care, meeting geographic need for services and controlling care costs.

See title page for effective date.

CHAPTER 62

H.P. 1124 - L.D. 1532

**Resolve, Directing the
Commissioner of Marine
Resources To Contract for an
Independent Analysis of the
Limited Entry Lobster
License System**

Sec. 1. Independent analysis. Resolved: That the Commissioner of Marine Resources shall contract for an independent analysis of the limited entry lobster license system under the Maine Revised Statutes, Title 12, section 6421. The analysis must include, but is not limited to, an evaluation of the limited entry system and determine whether the benefits, including the benefits of conservation, outweigh the costs, including the impact of restrictions on entry to the lobster fishing industry. The contract must be funded using existing resources of the Department of Marine Resources. The commissioner shall report on the analysis to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013.

See title page for effective date.

CHAPTER 63

H.P. 517 - L.D. 688

**Resolve, To Facilitate
Participation in Individualized
Education Program Team
Meetings and Special
Education Dispute Resolution
Procedures**

Sec. 1. Alternative means of participation in special education meetings; rules. Resolved: That the Department of Education shall amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty in Section VI in the part concerning alternative means of meeting participation to require that schools permit the use of alternative means of meeting participation, such as individual or conference telephone calls and videoconferencing, to ensure that the parents of a child with a disability are able to have appropriate persons participate in individualized education program team meetings and special education dispute resolution procedures. The amendment to the rules must specify that a school administrative unit is not required to spend any funds to purchase additional equipment in order to comply with this provision; and be it further

Sec. 2. Provisional adoption of rules. Resolved: That the Department of Education shall provisionally adopt the amendments required under section 1 no later than December 1, 2011. 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 64

S.P. 406 - L.D. 1309

**Resolve, To Encourage
Reciprocity between Maine
and New Hampshire in the
Reporting of Rabies
Vaccinations by Veterinarians**

Sec. 1. Reciprocity. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall invite the Commissioner of Agriculture, Markets and Food of New Hampshire to jointly develop a reciprocity agreement regarding the vaccination of dogs against rabies. The reciprocity agreement must detail a process by which a copy of a rabies vaccination certificate issued by a veterinarian in one state

for a dog residing in the other state is sent to the municipality in which the dog resides or to the agency that is a party to the reciprocity agreement in the state where the dog resides.

See title page for effective date.

CHAPTER 65

H.P. 159 - L.D. 182

**Resolve, Directing the
Department of Agriculture,
Food and Rural Resources
To Develop Criteria for
Identifying Invasive
Terrestrial Plants**

Sec. 1. Identification of invasive terrestrial plants. Resolved: That, no later than February 1, 2012, the Commissioner of Agriculture, Food and Rural Resources, referred to in this resolve as "the commissioner," shall adopt rules under the Maine Revised Statutes, Title 7, section 2217 establishing criteria by which to evaluate nonnative plant species for inclusion on a list of invasive terrestrial plants. The commissioner may use criteria developed in response to Resolve 2007, chapter 21 and included in a report to the Joint Standing Committee on Agriculture, Conservation and Forestry on February 1, 2008 as the basis for the rules. The rules may include a provision allowing the commissioner to evaluate a cultivar of a species listed or proposed for listing as an invasive terrestrial plant. The commissioner may exclude a cultivar from the list when an evaluation demonstrates that the cultivar does not meet the criteria for inclusion as an invasive terrestrial plant. Rules adopted under this resolve are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For the purposes of this resolve, "invasive terrestrial plant" means any nonnative plant species that has spread or has the potential to spread into native or minimally managed plant habitats in the State and has caused or has the potential to cause economic or environmental harm by developing self-sustaining populations that disrupt or threaten native plant populations in the State; and be it further

Sec. 2. List of invasive terrestrial plants. Resolved: That the commissioner shall propose a prioritized list of nonnative plant species to be evaluated using the criteria developed under section 1; and be it further

Sec. 3. Report to Joint Standing Committee on Agriculture, Conservation and Forestry. Resolved: That, no later than February 15, 2012, the commissioner shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the evaluation criteria established in rule and a list of

plants being considered for evaluation using the criteria adopted under section 1.

See title page for effective date.

CHAPTER 66

H.P. 682 - L.D. 922

**Resolve, To Review the Laws
Governing Slaughterhouses**

Sec. 1. Examination of laws and rules governing slaughterhouses. Resolved: That the Department of Agriculture, Food and Rural Resources shall examine the laws and rules governing slaughterhouses with particular emphasis on obstacles that prevent slaughterhouses from processing many different species of animals as efficiently and safely as possible. The department shall report its findings to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2012. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 125th Legislature on the subject matter of the department's report.

See title page for effective date.

CHAPTER 67

H.P. 183 - L.D. 230

**Resolve, To Establish a Pilot
Project for Independent
Practice Dental Hygienists To
Process Radiographs in
Underserved Areas of the State**

Sec. 1. Pilot project for underserved areas of the State. Resolved: That the Department of Professional and Financial Regulation, Board of Dental Examiners shall establish a 2-year pilot project to allow a licensed independent practice dental hygienist to expose and process radiographs under protocols developed by the Board of Dental Examiners within areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas.

The Board of Dental Examiners shall adopt rules to implement the pilot project under this section. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The rules for the pilot project must require that an independent practice dental hygienist have a written agreement with a licensed dentist providing that the dentist will be available to interpret all dental radiographs within 21 days from the date the radiograph is taken and that