

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**CHAPTER 8****S.P. 552 - L.D. 1678****Resolve, Concerning Payments to Legislators during Special Session**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this resolve eliminates the per diem compensation payment for special sessions held prior to June 18, 1997; and

**Whereas,** in order to apply to such a special session, this resolve must take effect in advance of the 90-day period; 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. Legislative compensation. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 3, section 2, members of the Legislature are not entitled to per diem compensation payment for attendance at any special session of the 118th Legislature held prior to the statutory adjournment date of June 18, 1997; and be it further

**Sec. 2. Constituent services allowances. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 3, section 2, payments for the balance of constituent services allowances may not be made until July 1, 1997.

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

Effective March 27, 1997.

**CHAPTER 9****H.P. 1194 - L.D. 1694****Resolve, to Provide for Legislative Review of Certain Agency Rules**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** unless this legislation is enacted as an emergency measure, the Legislature will lose its opportunity for meaningful review of certain agency rules; 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. Holdover. Resolved:** Notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 8072, subsection 7, any major substantive rule submitted for review to the First Regular Session of the 118th Legislature for legislative review and not finally acted upon by the First Regular Session of the 118th Legislature prior to adjournment must be held over to the next special or regular session of the Legislature for review during that session.

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

Effective March 27, 1997.

**CHAPTER 10****H.P. 295 - L.D. 359****Resolve, to Establish a Study Group to Assess the Needs of the Office of the State Fire Marshal and Ensure Prompt, Effective Response to the Public's Fire Safety Needs**

**Sec. 1. Study group established. Resolved:** That the Commissioner of Public Safety shall convene a study group to review and consider improvements to the role of the Office of the State Fire Marshal in becoming more responsive to the public and in providing better service to the public. Specifically, the study group shall review the current resources, services provided, issues of concern, funding and the law enforcement role of the Office of the State Fire Marshal within the Department of Public Safety; and be it further

**Sec. 2. Membership. Resolved:** That the study group consists of the Commissioner of Public Safety or the commissioner's designee; the State Fire Marshal; one representative from the Fire Investigations Division within the Office of the State Fire Marshal appointed by the State Fire Marshal; one representative from the Inspections Division within Administrative Services of the Department of Public Safety appointed by the Commissioner of Public Safety; one certified firefighter appointed by the

Governor; one representative of the fire insurance industry appointed by the Governor; one member from the Maine Prosecutors Association appointed from among its members; one member of the law enforcement community appointed by the Maine Chiefs of Police Association; 4 fire chiefs, 2 from the Northern Division and 2 from the Southern Division, appointed by the Executive Board of the Maine Fire Chiefs Association and one Legislator representing the Joint Standing Committee on Criminal Justice appointed jointly by the President of the Senate and the Speaker of the House; and be it further

**Sec. 3. Convening of study group. Resolved:** That the Chair of the Legislative Council shall call the first meeting of the study group between the 30th and 45th days following the effective date of this resolve. A quorum is a majority of the members; and be it further

**Sec. 4. Selection of chair. Resolved:** That the study group shall select a chair from among the members at the first meeting; and be it further

**Sec. 5. Staffing. Resolved:** That the Department of Public Safety shall provide staffing and clerical support to the study group; and be it further

**Sec. 6. Compensation. Resolved:** That the members of the study group serve without per diem or expenses; and be it further

**Sec. 7. Report. Resolved:** That the study group shall submit its report to the Joint Standing Committee on Criminal Justice by March 1, 1998. If the study group requires an extension, it may apply to the Legislative Council, which may grant the extension.

See title page for effective date.

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## CHAPTER 11

### H.P. 209 - L.D. 273

#### **Resolve, Directing the Commissioner of Marine Resources to Report on the Status of Discussions with the Passamaquoddy Tribe**

**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 Joint Standing Committee on Marine Resources has found it essential to receive a report by May 1, 1997 on discussions with the Passamaquoddy Tribe regarding the State's salt water licensing laws; 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. Commissioner to report. Resolved:** That the Commissioner of Marine Resources, or the commissioner's designee, shall report by May 1, 1997 to the Joint Standing Committee on Marine Resources concerning the status of ongoing discussions between representatives of the Joint Tribal Council of the Passamaquoddy Tribe and of the State of Maine with respect to the taking of marine resources by members of the Passamaquoddy Tribe, including any proposed amendments to the laws administered by the Department of Marine Resources.

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

Effective March 28, 1997.

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