

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

to support competitive capital infrastructure grants to nonprofit marine research laboratories, institutions and state governmental and quasi-governmental agencies, is further extended for a one-year period.

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

Effective June 13, 2011.

CHAPTER 74

S.P. 318 - L.D. 1085

**Resolve, Regarding
Prequalification Standards for
Contractors**

Sec. 1. Single prequalification process.

Resolved: That the Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation shall jointly adopt one annual prequalification process to be used by contractors that wish to prequalify for projects administered by either agency. The agencies shall include contractors and other interested parties in developing the single prequalification process. The prequalification process developed pursuant to this section must be used by contractors for projects administered by either agency on or after January 1, 2012. The Bureau of General Services and the Department of Transportation shall jointly report to the Joint Standing Committee on State and Local Government on the prequalification process developed pursuant to this section by January 15, 2012. The Joint Standing Committee on State and Local Government may report out a bill relating to the prequalification process to the Second Regular Session of the 125th Legislature.

See title page for effective date.

CHAPTER 75

H.P. 736 - L.D. 1000

**Resolve, Directing the
Secretary of State To Examine
Centralization of the Petition
Signature Verification Process**

Sec. 1. Secretary of State to examine centralizing the process for verifying petition signatures. Resolved: That the Secretary of State shall examine the potential for centralizing the process for verifying signatures on candidate petitions, citizens' initiatives and people's veto referendum petitions within the office of the Secretary of State using the central voter registration system. The Secretary of State shall consult with municipal clerks and others to

determine the benefits of centralization and to identify any legal or logistical barriers to proceeding with centralization of the process. The Secretary of State shall submit a report on the findings of the examination under this section no later than February 1, 2012 to the Joint Standing Committee on Veterans and Legal Affairs.

See title page for effective date.

CHAPTER 76

H.P. 761 - L.D. 1027

**Resolve, To Coordinate
Stakeholders To Review Best
Practices in the Management of
Strangulation and Determine
Methods To Address the Issue
in Maine**

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

Whereas, there is a national increased awareness of the severity of strangulation, including its high prevalence in domestic and sexual assaults, its serious impacts, including life-threatening levels of anoxic brain damage, and its use as a tool of intimidation; and

Whereas, public and professional awareness of the prevalence and impact of strangulation in Maine may lag behind research data; and

Whereas, stakeholders should promptly review best practices models and tailor them to fit Maine's needs; 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. Review of best practices in management of strangulation. Resolved: That the Maine Commission on Domestic and Sexual Abuse, created in the Maine Revised Statutes, Title 19-A, section 4013 and referred to in this resolve as "the commission," shall study strangulation to determine the presence and patterns of strangulation in domestic and sexual violence in the State and the current management of strangulation within criminal law. The commission shall review model practices and research in other states, including the impacts of other states' legislation, public awareness activities and changes in policy. The commission shall invite interested parties, including but not limited to representatives from state and local law enforcement, prosecutors, the judicial

branch, the Criminal Law Advisory Commission under Title 17-A, section 1351, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first responders and other emergency care providers; and be it further

Sec. 2. Report. Resolved: That the commission shall submit a report by February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The report must include the commission's findings and recommendations regarding methods to deal with strangulation in the State, including, as it determines necessary, proposed legislation; proposed education and training for law enforcement, prosecutors and the judiciary; and proposed programs and outreach for public awareness and advocacy. Upon receipt of the commission's report and recommendations, the committee may report out legislation to the Second Regular Session of the 125th Legislature.

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

Effective June 13, 2011.

CHAPTER 77

H.P. 1105 - L.D. 1504

Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by Extending the Reach of High-quality Home Visitation

Sec. 1. State plan to coordinate current home visitation programs. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall develop a comprehensive plan for fiscal years 2011-12, 2012-13 and 2013-14 relating to home visitation programs and services for vulnerable families in at-risk communities. The plan must reflect an emphasis on proven strategies to improve early childhood health and cognition, in order to increase future productivity and reduce future demand on tax-supported services, and on serving infants who are at risk due to physical, emotional, developmental or environmental factors. The plan must ensure that these programs and services, to the greatest extent possible, are funded by federal, private, local and other special revenue resources, particularly seeking to leverage both cash and in-kind private match wherever possible; and be it further

Sec. 2. Supporting direct services. Resolved: That the plan developed under section 1 must support direct services and continued investment in quality assurance, evaluation and professional devel-

opment infrastructure, including training and ongoing supervision; and be it further

Sec. 3. Reporting. Resolved: That, by February 1, 2012, the department shall submit a report, including suggested legislation, to the Joint Standing Committee on Health and Human Services regarding the plan under section 1 and the status of all state-funded home visitation programs, including a brief description of each program, an evaluation to date of each program and the next steps the department recommends to ensure the improved health outcomes, reduced costs to taxpayers and enhanced future productivity through these programs, as well as how the programs further the State's goal of coordinated home visitation for all vulnerable families in at-risk communities. The Joint Standing Committee on Health and Human Services may report out a bill to the Second Regular Session of the 125th Legislature concerning the programs.

See title page for effective date.

CHAPTER 78

H.P. 550 - L.D. 743

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, 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 preserva-