

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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

J.S. McCarthy Company
Augusta, Maine
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1. Three commissioners or their designees.

The Commissioner of Inland Fisheries and Wildlife, the Commissioner of Public Safety and the Commissioner of Conservation, or their designees;

2. Ten private sector members.

The president or executive director of the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine Forest Products Council, the Sportsman's/Forest Landowner Alliance, the Small Woodland Owners Association of Maine, Inc., the Maine Farm Bureau Association, the Sportsman's Alliance of Maine, the Maine Snowmobile Association, Inc., the Governor's Council on Landowner/Sportsmen Relations and the Maine State Bar Association. The president or executive director of any of these organizations may name a person who is a member of the organization to serve in the president's or executive director's place;

3. Two legislative members.

One member of the House of Representatives and one member of the Senate who are members of the Joint Standing Committee on Inland Fisheries and Wildlife. The member of the House of Representatives is appointed by the Speaker of the House of Representatives. The member of the Senate is appointed by the President of the Senate; and

4. One public member.

One member of the public appointed by the Governor.

All appointments must be made no later than 30 days after the effective date of this resolve. Persons responsible for making appointments under this section shall notify the Executive Director of the Legislative Council of the names of the persons appointed; and be it further

Sec. 3. Convening the commission.

Resolved: That the chair of the Legislative Council shall convene the first meeting of the commission after all members of the commission have been appointed; and be it further

Sec. 4. Election of chair. Resolved:

That, at its first meeting, the commission shall elect a chair from among its members. The chair shall call all subsequent meetings of the commission; and be it further

Sec. 5. Compensation. Resolved:

That members of the commission serve without compensation, except that members who are Legislators are entitled to reimbursement of expenses related to attending meetings of the commission; and be it further

Sec. 6. Staff assistance. Resolved:

That the Office of Policy and Legal Analysis, with the approval of the Legislative Council, shall provide

research, clerical and computer assistance to the commission; and be it further

Sec. 7. Report. Resolved: That the commission shall submit a report, together with any necessary implementing legislation, to the Second Regular Session of the 117th Legislature by December 1, 1995; and be it further

Sec. 8. Costs paid by department. Resolved: That the Department of Inland Fisheries and Wildlife shall reimburse the Legislature for expenses of the commission upon request by the Executive Director of the Legislative Council.

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

Effective July 3, 1995.

CHAPTER 54

H.P. 1075 - L.D. 1514

Resolve, Establishing the Task Force on Alcoholic Beverage Sales

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 task force created by this legislation needs to begin its work as soon as possible to deal with the complexity of its charge and to meet the reporting date; 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. Task force established. Resolved:

That there is established the Task Force on Alcoholic Beverage Sales, referred to in this resolve as the "task force." The task force shall study and report its recommendations regarding the following matters:

1. The feasibility of closing all retail state-operated liquor stores and replacing them with licensed agency stores, including:

A. The number of replacement agency stores to be approved and the maximum number, if any, of agency stores to be licensed;

B. The financial implications of the staff reductions in closing the state stores;

C. The financial implications of the increased volume of wholesale discounts;

D. The financial implications of retail price control;

E. Whether current revenues from liquor sales can be maintained under an agency store system; and

F. The adequacy of the public's liquor selection options under an agency store system;

2. The discount liquor stores, including:

A. Analysis of the revenue streams from the discount stores to determine options that will retain a revenue-neutral or revenue-enhanced environment, including closing, expanding or maintaining the discount stores; and

B. Whether the State can compete with New Hampshire's pricing policy if the discount stores are discontinued;

3. Alcohol distribution, including:

A. The costs and pricing structures associated with various delivery systems to all alcohol outlets; and

B. Whether a significant increase in agency stores would have a financial impact on the State's revenue stream;

4. The State's present activity as liquor wholesaler, including:

A. The effects of various wholesaling options on the State's revenue stream; and

B. Options for delivery to agency stores;

5. The feasibility of an option for present employees to own and operate those liquor stores presently operated by the State;

6. Any improvements needed in the State's record-keeping systems and procedures; and

7. Any changes to the statutes regarding the Bureau of Alcoholic Beverages and Lottery Operations; and be it further

Sec. 2. Membership. Resolved: That the task force consists of the following 11 members:

1. The chair, appointed by the Governor;

2. The Director of the Bureau of Alcoholic Beverages and Lottery Operations;

3. A state employee who currently works in a state-operated liquor store, selected by the state liquor store employees through their bargaining agent;

4. One member representing the Bureau of Liquor Enforcement appointed by the Commissioner of Public Safety;

5. A commissioner from the State Liquor and Lottery Commission appointed by the chair of that commission;

6. Four members of the Joint Standing Committee on Legal and Veterans Affairs, 2 members appointed by the President of the Senate and 2 members appointed by the Speaker of the House of Representatives; and

7. Two members appointed by the Commissioner of Administrative and Financial Services.

All appointments must be made within 30 days of the effective date of this resolve; and be it further

Sec. 3. Meetings. Resolved: That the task force may meet as often as necessary; and be it further

Sec. 4. Public involvement. Resolved: That the task force shall consider information developed and presented by affected groups, including, but not limited to, employees, distributors and agency stores; and be it further

Sec. 5. Staffing. Resolved: That the task force may utilize the staff resources of the Bureau of Alcoholic Beverages and Lottery Operations and the Department of Administrative and Financial Services for clerical, administrative and research services. The Department of the Attorney General shall provide legal assistance as requested by the task force; and be it further

Sec. 6. Report. Resolved: That the task force shall submit to the Commissioner of Administrative and Financial Services for transmittal to the Governor and the Joint Standing Committee on Legal and Veterans Affairs, by December 1, 1995, a report on its work and a draft legislative proposal to implement its recommendations. The draft legislation must be accompanied by a report on the financial implications of each aspect of the proposed legislation and the related revenues and costs associated with each; and be it further

Sec. 7. Compensation. Resolved: That the task force members who are Legislators are entitled to receive legislative per diem and expenses, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings of the task force. The members of the task force who are neither employees of the State nor Legislators are entitled to a

per diem and expenses equal to the legislative per diem and expenses.

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

Effective July 3, 1995.

CHAPTER 55

H.P. 1138 - L.D. 1581

Resolve, to Establish an Education Plan for the Towns of Mechanic Falls, Minot and Poland

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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 towns of Mechanic Falls, Minot and Poland are currently providing education for grades 9 to 12 in Poland and Minot and grades 10 to 12 in Mechanic Falls, through tuition agreements that have been terminated by the receiving school starting in the fall of 1996; and

Whereas, it is in the interest of the 3 towns to have adequate planning and preparatory time to establish a plan for the continuing education of their students; 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. Establish committee to plan for education services. Resolved: That the citizens of the towns of Mechanic Falls, Minot and Poland, with the assistance of the Commissioner of Education, shall establish a committee to develop a plan for providing education services to the students of the 3 towns in grades 7 to 12. The plan must be approved by a majority of the committee and forwarded to the Legislature for consideration by December 1, 1995,

and if approved, submitted to the voters of each town; and be it further

Sec. 2. Role of the Commissioner of Education and the Department of Education. Resolved: That the Commissioner of Education and the commissioner's designees shall actively participate in and facilitate the work of the committee and establishment of an education plan pursuant to this resolve. The department shall provide technical assistance to the committee, as needed; and be it further

Sec. 3. Committee membership. Resolved: That the committee consists of 9 members appointed as follows:

1. Three school board members, one from each school unit appointed by the school board of that unit;
2. Three elected municipal officials, one from each town appointed by the town council, selectmen or other municipal governing body; and
3. Three public members, one from each town, appointed jointly by the members of the Senate and House of Representatives serving the towns; and be it further

Sec. 4. Appointments; meetings; chair. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. Within 15 days of the appointment of all members, the Commissioner of Education shall call and convene the first meeting of the committee. All meetings must be held in a location and manner designed to ensure public access and participation. The committee shall appoint a chair from among its members; and be it further

Sec. 5. Organizational options. Resolved: That the plan for providing education services to the children of the 3 towns in grades 7 to 12 must include one of the following options:

1. Maintenance of the current organizational and administrative structure of the 3 school units;
 2. Formation of a community school district;
 3. Formation of a school administrative district;
- or
4. Establishment of an alternative arrangement; and be it further

Sec. 6. Other conditions. Resolved: That a final plan submitted for approval to the inhabitants of the towns must meet the following conditions: