

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.

J.S. McCarthy Company
Augusta, Maine
1997

- (5) One representative of a health insurer licensed under the Maine Revised Statutes, Title 24-A; and
- (6) One representative of the Home Care Alliance of Maine; and be it further

Sec. 3. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the commission no later than August 1, 1997. The commission shall select a chair from among its legislative members; and be it further

Sec. 4. Duties. Resolved: That the commission shall study the application of the State's certificate of need laws, their effectiveness in ensuring access to health care and in controlling costs, the need for modifications to address the changing health care system and alternative methods of meeting the goals of the laws. In examining these issues, the commission shall consult with the public, providers of health care and insurers and other 3rd-party payors; and be it further

Sec. 5. Staff assistance. Resolved: That the Department of Human Services shall provide staffing and clerical services as requested by the commission; and be it further

Sec. 6. Reimbursement. Resolved: That the commission members who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at meetings of the commission. Other members are not entitled to compensation or reimbursement of expenses; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Health and Human Services and to the Second Regular Session of the 118th Legislature by December 1, 1997; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

Personal Services	\$550
All Other	500
Provides funds for the per diem and expenses of the legislative members of the Commission to Study the Certificate of Need Laws.	

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TOTAL	\$1,050

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

Effective June 12, 1997.

CHAPTER 83

S.P. 519 - L.D. 1603

Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource

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

Whereas, a substantial percentage of Maine's citizens are Franco-American by heritage, and the language and the culture of Maine's Franco-Americans survives and is strong throughout the State, from Biddeford and Sanford in southern Maine, Lewiston and Waterville in central Maine to Madawaska, Fort Kent and the St. John Valley in the far North; and

Whereas, the people of Maine wish to encourage the development of the Franco-American resource to the benefit of all Maine citizens, and the Franco-American Center at the University of Maine at Orono has been a leading voice for the recognition of Maine's Franco-American heritage and the development of its Francophone resource; and

Whereas, the Maine business community has become increasingly active in efforts to stimulate trade between Maine and Quebec, through an effort known as "Co-Entreprise," a cooperative venture between Maine and Quebec businesses headed by the Maine Chamber and Business Alliance; and

Whereas, these efforts, in addition to many others, have provided Maine with the opportunity to establish the national headquarters of the American Association of the Forum Francophone Des Affaires,

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Commission to Study the Certificate of Need Laws

an international chamber of commerce for the French-speaking world; and

Whereas, all of the people of the State of Maine stand to benefit by the expansion of international trade through the American Association of the Forum Francophone Des Affaires and the many other ongoing efforts to strengthen and utilize the resources of Maine's Franco-American communities; and

Whereas, this legislation establishes the Commission to Study the Development of Maine's Franco-American Resource and is required to submit its report to the Second Regular Session of the 118th Legislature by December 1, 1997; and

Whereas, in order for the appointments to be made, the commission to be convened and the report to be submitted in a timely fashion and in light of other provisions of this legislation designed to take advantage of opportunities now available to the people of the State of Maine, this legislation must take effect immediately; 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. Commission established. Resolved: That the Commission to Study the Development of Maine's Franco-American Resource, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Issues. Resolved: That the commission shall study and report on the issues associated with Maine's Franco-American community, particularly with regard to economic development opportunities available to Maine because of its Franco-American resource. The scope of the commission's study and report includes, but is not limited to:

1. An analysis of demographic trends in Maine's Franco-American community;
2. An analysis of the language skills, educational attainment levels and technical capabilities of Maine's Franco-American community;
3. An analysis of employment patterns among Maine citizens with Francophone capabilities and opportunities available to Maine businesses through utilization of the Francophone resource;
4. An analysis of the interrelationship between cultural, civic, business and community organizations in Franco-American communities

throughout the State, and the maintenance and development of the Franco-American resource;

5. An analysis of the business opportunities available to Maine citizens in industries likely to benefit through international trade with the Francophone world, including, but not limited to, the agriculture, forest products, tourism, financial services and high-technology industries; and

6. An analysis of the opportunities available to Maine citizens to utilize the Francophone resource to develop a competitive advantage in their markets, wherever those markets are located, particularly with regard to the agriculture, forest products, tourism, financial services and high-technology industries; and be it further

Sec. 3. Membership. Resolved: That the commission consist of 27 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate and two members of the House of Representatives appointed by the Speaker of the House;
2. Two representatives of the Franco-American Center at the University of Maine at Orono;
3. Two representatives of the American Association of the Forum Francophone Des Affaires;
4. Six representatives of business and civic communities from areas of the State with a significant Franco-American population, including at least one each from Aroostook County, Penobscot County, Kennebec County, Androscoggin County and York County;
5. Four representatives from the academic community, including one each from the University of Maine System, the Maine Technical College System, Maine's private kindergarten through grade 12 school systems and Maine's public kindergarten through grade 12 school systems;
6. Five representatives of the businesses and industries likely to be benefited by the development of Maine's Franco-American resource, including one each from the agriculture, forest products, tourism, financial services and high-technology industries;
7. One representative of the Maine International Trade Center;
8. One representative of the Maine Chamber and Business Alliance;
9. One representative of "Co-Entreprise"; and

10. The Commissioner of Economic and Community Development or the commissioner's designee, who is an ex officio member.

With the exception of the ex officio member, the members of the commission are selected as follows: the President of the Senate shall make 9 appointments, the Speaker of the House of Representatives shall make 9 appointments and the Governor shall make 8 appointments. The commission shall, at its first meeting, select a member to serve as chair; and be it further

Sec. 4. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the commission no later than 2 months from the effective date of this resolve; and be it further

Sec. 5. Staffing. Resolved: That the commission shall request staffing and clerical assistance from the Maine Franco-American Center at the University of Maine and, if funding permits, the commission may employ staff as needed and may contract for administrative, professional, legislative drafting and clerical services. The commission shall utilize the expertise of the Maine Franco-American Center during the course of its work, but the center will not be involved in the final decision for locating the national headquarters for the American Association of the Forum Francophone Des Affaires; and be it further

Sec. 6. Reimbursement. Resolved: That the commission members who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses upon application to the Legislative Council for each day's attendance at meetings of the commission. The Executive Director of the Legislative Council shall administer the commission's budget. Other members of the commission are entitled to reimbursement for travel and other necessary expenses upon application to the University of Maine System; and be it further

Sec. 7. Chair. Resolved: That the Chair of the Legislative Council shall call the first meeting of the commission as soon as funding permits. At the first meeting or a subsequent meeting, the commission may select a vice-chair from among its members and establish programmatic and structural committees; and be it further

Sec. 8. Meetings. Resolved: That the commission may meet up to 5 times; and be it further

Sec. 9. Funding. Resolved: That the commission may seek, accept and expend outside sources of funding to carry out the commission's activities. The Legislative Council shall administer any outside funds acquired for the purposes of this resolve; and be it further

Sec. 10. Report. Resolved: That the commission shall present its findings and any recommended legislation to the Second Regular Session of the 118th Legislature by December 1, 1997; and be it further

Sec. 11. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

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Commission to Study the Development of Maine's Franco-American Resource

Personal Services	\$1,100
All Other	1,500

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Commission to Study the Development of Maine's Franco-American Resource.

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TOTAL	\$2,600
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UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

Education and General Activities - University of Maine System

All Other	\$47,400
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Provides funds to the Maine Franco-American Center at the University of Maine to support its participation in the commission's work and for the expenses of members who are not Legislators.

BOARD OF TRUSTEES OF THE UNIVERSITY OF MAINE SYSTEM TOTAL	\$47,400
TOTAL APPROPRIATIONS	\$50,000

; and be it further

Sec. 12. Allocation. Resolved: That the following funds are allocated from Other Special Revenue to carry out the purposes of this resolve.

1997-98

LEGISLATURE

**Commission to Study the
Development of Maine's
Franco-American Resource**

All Other	\$500
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Provides a base allocation to authorize expenditures in the event that outside sources of funding are received to support the expenses of the Commission to Study the Development of Maine's Franco-American Resource.

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

Effective June 12, 1997.

CHAPTER 84

H.P. 1356 - L.D. 1903

**Resolve, Regarding 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 continues the elimination of the 118th Legislature of the per diem compensation payment for the First Special Session; 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 the First Special Session of the 118th Legislature.

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

Effective June 20, 1997.

CHAPTER 85

S.P. 679 - L.D. 1905

**Resolve, Establishing a Blue Ribbon
Commission to Study the Effects of
Government Regulation and Health
Insurance Costs on Small Businesses
in Maine**

Sec. 1. Commission established. Resolved: That the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 12 members appointed as follows: The Governor shall appoint 6 members, to include at least 2 members from the Governor's cabinet, one member representing the business sector, one member representing employee unions and one state employee; the Speaker of the House shall appoint 3 members, to include at least one Representative and one member representing the public sector; and the President of the Senate shall appoint 3 members, to include at least one Senator and one member representing the private sector; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities