

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

CHAPTER 104**H.P. 1138 - L.D. 1594****Resolve, to Create the Commission to Study Establishing a Rail Authority to Develop Rail Service from Calais to Eastport and Brewer**

Sec. 1. Commission established. Resolved: That the Commission to Study Establishing a Rail Authority to Develop Rail Service from Calais to Eastport and Brewer, referred to in this resolve as the "commission," is established as follows.

1. Appointments. Appointments to the commission must be made within 30 days of the effective date of this resolve. The commission consists of the following members appointed by the Commissioner of Transportation:

- A. One member from each of the county commissioner districts within Washington County in which state-owned railroad rights-of-way are located;
- B. One member from each of the county commissioner districts within Hancock County in which state-owned railroad rights-of-way are located;
- C. One member from each of the county commissioner districts within Penobscot County in which state-owned railroad rights-of-way are located;
- D. One member who is a member of the Eastport Port Authority;
- E. One member who is a member of the Passamaquoddy Tribe;
- F. One member who represents the Department of Transportation;
- G. One member who represents an economic development agency in an area located along the state-owned railroad rights-of-way; and
- H. Three members who represent municipal governments of municipalities located along state-owned railroad rights-of-way.

2. Duties. The commission shall examine the potential uses of rail service from Calais to Eastport and Brewer along existing railroad rights-of-way owned by the State. It shall make projections as to the volume of traffic along a developed railway, estimate the costs of developing the rights-of-way and review methods of funding and implementing the development of the rights-of-way. The commission shall also

make recommendations regarding whether a public authority should be established to fund and implement the development of the rights-of-way. If the commission recommends the use of a public authority, the commission shall also make recommendations on the membership, powers, administration and other matters related to the operation of the public authority.

3. Meetings; election of chair. Within 30 days after appointment of all members, the Commissioner of Transportation shall call and convene the first meeting of the commission. The commission shall select a chair from among its members. Additional meetings may be called by the chair or by a majority of commission members.

4. Compensation. Commission members serve without per diem and expenses.

5. Staffing. The Department of Transportation shall provide the commission with staffing and clerical support from within existing resources.

6. Report. The commission shall submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 1999. The joint standing committee of the Legislature having jurisdiction over transportation matters is authorized to report out legislation during the First Regular Session of the 119th Legislature regarding the establishment of a public authority to develop rail service between Calais, Eastport and Brewer.

See title page for effective date.

CHAPTER 105**H.P. 1384 - L.D. 1938****Resolve, Directing the Preparation of a Bill to Make Technical Changes to the State's Criminal Statutes**

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

Whereas, an interagency task force is in the process of preparing a uniform offense table to be used in computerized record-keeping systems by a number of state agencies; and

Whereas, the preparation of that table has revealed a number of instances when one statutory element contains multiple criminal offenses or civil violations; and

Whereas, the revision of the Maine Revised Statutes to create a strict one-to-one relationship between a unique statutory citation and each criminal offense or civil violation will increase efficiency and accuracy in law enforcement and judicial administration; and

Whereas, the best time to undertake such a project is between adjournment of the Second Regular Session of one Legislature and the commencement of the First Regular Session of the next Legislature; and

Whereas, unless this resolve is enacted as an emergency, the revision cannot be completed during the legislative interim; 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. Resolved: That the Maine Criminal Justice Information System Policy Board, established by the Maine Revised Statutes, Title 16, section 633 and referred to in this resolve as the "MCJUSTIS Board," shall convene a task force to review the Maine Revised Statutes that contain criminal offenses or civil violations and to prepare a bill revising the statutes to create a one-to-one relationship between each crime or civil violation and a unique statutory citation. The bill prepared by the task force may not contain any other substantive revisions to the State's statutes; and be it further

Sec. 2. Membership; staffing. Resolved: That the Chief Judge of the District Court shall act as chair of the task force. The MCJUSTIS Board shall appoint such other members to the task force as are necessary to accomplish its work. The Department of Public Safety, the Department of the Attorney General and the Judicial Department shall provide staffing assistance to the task force. The Legislative Council shall provide assistance to draft legislation. Other Executive Department agencies shall provide advice and technical assistance as requested by the task force, and other state agencies may be requested to provide advice and technical assistance as well; and be it further

Sec. 3. Voluntary service. Resolved: That the members of the task force serve without additional compensation or reimbursement of any type; and be it further

Sec. 4. Reports. Resolved: That the MCJUSTIS Board shall submit a final report and proposed legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice matters, with regard to issues pertaining to the

Maine Criminal Code, and to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding all other issues by January 1, 1999. The proposed legislation must accomplish the purpose of this resolve without making additional substantive changes to the Maine Revised Statutes. Each committee may report out additional legislation related to the report.

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

Effective April 1, 1998.

CHAPTER 106

H.P. 1601 - L.D. 2227

Resolve, Regarding Legislative Review of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education

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 Administrative Procedure Act, Title 5, chapter 375, subchapter II-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 preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a provisionally adopted major substantive rule of the Department of Education, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized, with the following change. For a trial period until July 1, 1999, the