

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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J.S. McCarthy Company
Augusta, Maine
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PUBLIC LAWS OF THE STATE OF MAINE
AS PASSED AT
THE FIRST REGULAR SESSION OF THE
ONE HUNDRED AND NINETEENTH LEGISLATURE
1999

CHAPTER 1

S.P. 30 - L.D. 44

**An Act to Clarify Laws Relating to
the Acceptance of Gifts of
Intellectual and Other Property by
the State**

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

Whereas, the Legislature has been offered the gift of the copyright in a video about the legislative process, which will be available immediately; and

Whereas, the Legislature must immediately accept the gift in order to be able to effectively administer and protect the copyright in the work; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 2 MRSA §5, as amended by PL 1981, c. 53, is further amended to read:

§5. Acceptance of gifts

The Governor is authorized to accept in the name of the State any and all gifts, bequests, grants or conveyances to the State of Maine.

No other state official or any member of any other branch of State Government may accept any gift, grant or conveyance to the State or to that branch of government, with a value greater than \$50, unless specifically authorized to do so by ~~statute law~~ or by clear implication of statute law, or unless empowered to do so by the Governor.

Sec. 2. 3 MRSA §162, sub-§16-A is enacted to read:

16-A. Intellectual property. To use, manage or administer on behalf of the Legislature any copyright held by the Legislature or license to use copyrighted

materials and to manage the copying, use and dissemination of copies of copyrighted materials in which the Legislature holds the copyright or a license;

Sec. 3. Acceptance of copyright in video production on legislative process. The Legislature acknowledges and accepts the gift to the Legislature of the copyright in a video concerning the Maine legislative process titled "Person to Person: Legislating Maine" produced in 1998 by the Spring Point Media Center of Southern Maine Technical College.

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

Effective January 14, 1999.

CHAPTER 2

S.P. 29 - L.D. 43

**An Act to Amend the State
Compensation Commission Laws**

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

Whereas, this legislation needs to take effect immediately to allow the State Compensation Commission the time necessary to complete its work and file its report; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §2-B, as corrected by RR 1997, c. 2, §3, is amended to read:

§2-B. State Compensation Commission

1. State Compensation Commission; membership. The State Compensation Commission, established in Title 5, section 12004-G, subsection 26-D

and referred to in this section as the "commission," consists of 5 members appointed as follows:

- A. Two members, not from the same political party, appointed by the President of the Senate;
- B. Two members, not from the same political party, appointed by the Speaker of the House; and
- C. One member appointed by a majority of the members appointed under paragraphs A and B, who serves as chair of the commission.

The 5 members must be residents of the State and appointed from the public. A person may not be appointed who is a Legislator at the time of appointment.

All members must be appointed for a term to coincide with the legislative biennium. A vacancy must be filled in the same manner as the original appointment for the balance of the unexpired term.

The members of the commission are entitled to a per diem, expenses and allowances at the same rate as Legislators.

2. Duties of commission. The commission must issue its first report no later than ~~January 1, 1998~~ April 15, 1999. No later than January 1st of every even-numbered year thereafter, the commission shall submit to the Legislature a report of the commission. The report must contain:

- A. A description of the commission's activities;
- B. The recommendations of the commission for all regular and special sessions of the next Legislature concerning:
 - (1) Compensation of Legislators and representatives of Indian tribes, including, but not limited to, all payments for: salaries, meals, housing, travel, mileage and all other expenses and allowances; additional service as President of the Senate, as Speaker of the House or as a member of leadership; and for constituent services; and
 - (2) Compensation for the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor;
- C. The reasons for its recommendations;
- D. Drafts of any legislation required to implement its recommendations; and
- E. Any other material and recommendations that commission members may wish to submit.

Before reporting as required in this subsection and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to reporting, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

3. Appointments; meetings. ~~The 4 appointments by the presiding officers must be made no later than 15 days following September 19, 1997.~~ The Executive Director of the Legislative Council must be notified by the presiding officers once the ~~selections~~ appointment of the initial 4 members has been made. Within 15 days of the appointment of the initial 4 members, the Chair of the Legislative Council shall call and convene the first meeting of the commission.

4. Staff assistance. The commission shall request staff assistance from the Legislative Council.

5. Legislation. The commission may submit legislation required to implement its recommendations.

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

Effective January 14, 1999.

CHAPTER 3

H.P. 359 - L.D. 503

An Act to Delay the Implementation until October 1, 1999 of Public Law 1997, Chapter 793, "An Act to Provide for Confidentiality of Health Care Information"

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

Whereas, Maine residents and health care providers have encountered significant difficulties in the implementation of Public Law 1997, chapter 793, on the confidentiality of health care information; and

Whereas, the Legislature requires a period of time to address these difficulties and to ensure that health care information is provided appropriate confidential treatment; 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,