

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

- H. A local fire official;
- I. A local building code official;
- J. A certified interior designer; and
- K. A representative of a statewide organization of building officials and inspectors; and be it further

**Sec. 3. Duties. Resolved:** That the State Planning Office shall:

1. Develop a model code with assistance from the advisory council;
2. Develop options for providing fiscal incentives for municipalities to adopt the model code; and
3. Provide technical assistance and training in connection with the model code, to the extent funding is available; and be it further

**Sec. 4. Completion date; report. Resolved:** That the State Planning Office, with assistance from the advisory council, shall complete the development of the model code by January 15, 2002. The State Planning Office shall report to the Joint Standing Committee on Natural Resources by February 15, 2002 with the results of the model code development. The report must also include options to provide fiscal incentives for municipalities to adopt the model code and draft legislation necessary to implement any recommendations.

See title page for effective date.

**CHAPTER 30**

**S.P. 413 - L.D. 1357**

**Resolve, to Study the Statutes Pertaining to Funeral Homes, Crematories and Cemeteries**

**Sec. 1. Working group. Resolved:** That the Department of Professional and Financial Regulation, the Department of Human Services and the Department of Environmental Protection shall share equally within their budgeted resources to create a working group to review the laws pertaining to crematories and cemeteries and, where related, funeral homes. In appointing working group members, the departments shall include:

1. A representative of the Maine Funeral Directors Association;
2. A representative of the Associated Independent Family Funeral Homes of Maine;

3. Two representatives of the Maine Cemetery Association, one representing crematories and one representing cemeteries;

4. A representative of the Memorial Society of Maine;

5. Members of the State Board of Funeral Service;

6. The Commissioner of Human Services or the commissioner's designee;

7. The Commissioner of Environmental Protection or the commissioner's designee;

8. The Chief Medical Examiner or the medical examiner's designee; and

9. Two consumers who are not members of the Memorial Society of Maine; and be it further

**Sec. 2. Review of laws; meetings. Resolved:** That the working group established under section 1 shall review the laws pertaining to crematories and cemeteries and, where related, funeral homes in order to make recommendations on updating the laws to make them more reflective of the changing needs of Maine families. In addition, the working group shall study the laws governing prearranged funerals. The working group may not hold more than 4 meetings; and be it further

**Sec. 3. Recommendations; authorization to report out legislation. Resolved:** That the working group established under section 1 shall make its recommendations to the Joint Standing Committee on Business and Economic Development by March 15, 2002. The Joint Standing Committee on Business and Economic Development may report out legislation on the working group's recommendations to the Second Regular Session of the 120th Legislature.

See title page for effective date.

**CHAPTER 31**

**H.P. 1252 - L.D. 1700**

**Resolve, to Encourage State Monitoring and Management of Conservation Easements**

**Sec. 1. Pooling of resources for monitoring and management of conservation easements. Resolved:** That the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Atlantic Salmon Commission are encouraged to pool existing resources for the purpose

of monitoring and managing conservation easements held by each of those state agencies; and be it further

**Sec. 2. Coordination by State Planning Office. Resolved:** That the Executive Department, State Planning Office shall to the extent practicable within existing resources coordinate the state monitoring and management of conservation easements by:

1. Coordinating the pooling of agency resources; and
2. Encouraging state agencies pursuant to section 1 to compile and maintain monitoring information on all conservation easements they hold and to report annually to the State Planning Office regarding that information.

See title page for effective date.

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## CHAPTER 32

H.P. 286 - L.D. 364

### Resolve, Recognizing the Phi Eta Kappa Building Association as a Nonprofit Corporation

**Sec. 1. Phi Eta Kappa Building Association recognized as a nonprofit corporation. Resolved:** That the Phi Eta Kappa Building Association, on file with the Secretary of State as a business corporation under the Maine Revised Statutes, Title 13-A, as of the effective date of this resolve must be recognized as a nonprofit corporation for all purposes under Title 13-B. This nonprofit corporation replaces the business corporation, but retains the original filing date of June 24, 1907; and be it further

**Sec. 2. Officers and directors. Resolved:** That, until the next meeting of the board of directors of the corporation following enactment of this resolve, those individuals that are serving as the directors and officers of the corporation as of the date of enactment of this resolve may continue to serve in those positions at their discretion. Any vacancies on the board or of officer positions must be filled by a vote of the majority of those directors remaining on the board; and be further

**Sec. 3. Bylaws. Resolved:** That the directors of the corporation may amend the bylaws of the corporation to conform those bylaws with the Maine Nonprofit Corporation Act, the Maine Revised Statutes, Title 13-B; and be it further

**Sec. 4. Filing with Secretary of State. Resolved:** That the Phi Eta Kappa Building Association file its restated Articles of Incorporation with the

Secretary of State by December 31, 2001. The restatement filing must contain a change in purposes as applicable for a corporation formed under the Maine Revised Statutes, Title 13-B, must designate the registered agent and office address and must include any additional information required by this resolve or Title 13-B; and be it further

**Sec. 5. Retroactivity. Resolved:** That this resolve applies retroactively to January 1, 2001.

See title page for effective date.

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## CHAPTER 33

S.P. 401 - L.D. 1317

### Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Inland Fisheries Management Program

**Sec. 1. Contract for assessment of the fisheries program. Resolved:** That the Commissioner of Inland Fisheries and Wildlife, referred to in this resolve as the "commissioner," shall contract with outside experts to assess, evaluate and recommend improvements in all aspects of the inland fisheries management program; and be it further

**Sec. 2. Procedures to be used. Resolved:** That a contract awarded pursuant to this resolve must be awarded in accordance with applicable state laws, rules and procedures relating to the purchase of services and awarding of contracts. The Department of Inland Fisheries and Wildlife, referred to in this resolve as the "department," shall establish a panel to assist in developing a scope of work and evaluating and selecting a proposal. The panel must include appropriate department staff and up to 5 people representing statewide organizations with an interest in the management of fisheries resources and aquatic habitats; and be it further

**Sec. 3. Scope of work. Resolved:** That the programmatic review must include, but not be limited to: planning and budgeting; staffing levels; personnel leadership and technical skills; applicable laws, rules and policies governing the program; decision-making processes; and resource management and public involvement practices. In addition to a contract specifying that the contractor must assess the department's professional ability to design and carry out an effective fisheries management program, a contract awarded pursuant to this resolve must include a requirement that the contractor identify members of the public who consider themselves as stakeholders