

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.

J.S. McCarthy Company
Augusta, Maine
2001

The state property may be sold in whole or in part, at the discretion of the commissioner, subject to such permits or approvals as may be required by law; and be it further

Sec. 4. Property to be sold "as is." Resolved: That the commissioner may negotiate and execute leases and purchase and sale agreements upon those terms the commissioner considers appropriate, except that the state property must be sold "as is," without any representations or warranties. Title must be transferred by quitclaim deed without covenant and executed by the commissioner; and be it further

Sec. 5. Exemptions. Resolved: That any lease or conveyance executed pursuant to this resolve is exempt from any statutory or regulatory requirement that the property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

Sec. 6. Purchase price. Resolved: That the commissioner shall obtain the current market value of the state property as determined by an independent appraiser. The commissioner may negotiate the sale prices or leases, sell directly to Warren Sanitary District or enter directly into leases with tenants. The commissioner may reject any offers. The commissioner shall establish the rent or purchase price and the terms of lease or sale; and be it further

Sec. 7. Proceeds. Resolved: That any proceeds from the sale of property must be deposited in the Capital Construction and Improvements Reserve Fund established in the Maine Revised Statutes, Title 5, section 1516-A to be used for the construction or expansion of facilities or utilities at the Maine State Prison at Warren; and be it further

Sec. 8. Repeal. Resolved: That this resolve is repealed 3 years from its effective date.

See title page for effective date.

CHAPTER 62

H.P. 856 - L.D. 1128

Resolve, Directing the Department of Corrections to Include in its Plan for a Long-term Care or Hospice Facility Administered by the Department of Corrections Resources and Costs Necessary to Provide Long-term or Hospice Care to County Jail Inmates and Presentence Detainees

Sec. 1. Department of Corrections directive. Resolved: That, when the Department of Corrections develops its plan for building and

administering a long-term care or hospice facility for the treatment of prisoners, the department also shall include a break out in that plan of the resources and costs of providing long-term and hospice care to county jail inmates and presentence detainees held in county jails.

See title page for effective date.

CHAPTER 63

H.P. 777 - L.D. 1021

Resolve, Extending the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security

Sec. 1. Resolve 1997, c. 117, §1, sub-§6, amended. Resolved: That Resolve 1997, c. 117, §1, sub-§6, as amended by PL 1999, c. 127, Pt. D, §7, is further amended to read:

6. Report. The commission shall submit a an interim report, together with any necessary implementing legislation, to the First Regular Session of the 120th Legislature by December 15, 2000 and a final report, together with any necessary legislation, to the Second Regular Session of the 120th Legislature by December 5, 2001.

See title page for effective date.

CHAPTER 64

H.P. 1395 - L.D. 1831

Resolve, to Name the Bridge Between Gardiner and Randolph the Pearl Harbor Remembrance Bridge

Sec. 1. Pearl Harbor Remembrance Bridge. Resolved: That the bridge between Gardiner and Randolph be named the Pearl Harbor Remembrance Bridge.

See title page for effective date.

CHAPTER 65

H.P. 1085 - L.D. 1454

Resolve, to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials

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

Whereas, in order for the study commission established in this resolve to meet and complete its duties in time for consideration by the Second Regular Session of the 120th Legislature, it is necessary that this resolve 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 Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 18 members:

1. The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management or the director's designee;
2. The Commissioner of Environmental Protection or the commissioner's designee;
3. The Commissioner of Labor or the commissioner's designee;
4. The Chief of the State Police or the chief's designee;
5. Nine members appointed as follows:
 - A. Two representatives of the Maine Fire Chiefs Association, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;
 - B. One representative of the Professional Firefighters of Maine, appointed by the President of the Senate;
 - C. One representative of the Maine State Federation of Firefighters, appointed by the Speaker of the House;
 - D. One representative of municipal government, appointed by the President of the Senate;

E. Two members of the State Emergency Response Commission, appointed by the chair of the State Emergency Response Commission; and

F. Two representatives of private industry, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

6. Two members of the Senate, appointed by the President of the Senate. In making appointments under this subsection, the President shall give preference to members of the Senate who are knowledgeable in toxic or hazardous materials law and emergency response matters; and

7. Three members of the House of Representatives, appointed by the Speaker of the House. In making appointments under this subsection, the Speaker of the House shall give preference to members of the House who are knowledgeable in toxic or hazardous materials law and emergency response matters; and be it further

Sec. 3. Appointments; chairs; 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 once the selections have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The chairs of the commission shall call and convene the first meeting of the commission no later than August 15, 2001; and be it further

Sec. 4. Duties. Resolved: That the commission shall study the manner in which state, county and municipal governments and private industry respond to unplanned or unlawful releases and spills of toxic or hazardous materials into the environment and shall recommend any changes to laws, rules, ordinances or procedures that must be made in order to clearly establish a lead response agency in all geographic areas of the State for all such releases. The commission's report must also include recommendations for any improvements to communication systems, equipment or training at the state, local or county level or in private industry necessary to establish a lead response agency for such releases. The commission's report may also include any other issues the commission determines must be addressed to implement that goal; and be it further

Sec. 5. Staff assistance. Resolved: That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 6. Compensation. Resolved: That the members of the commission who are Legislators are

entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than December 5, 2001. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 8. Budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

Sec. 9. Costs reimbursed by the Maine Emergency Management Agency. Resolved: That the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency shall use funds in its dedicated State Emergency Response Commission account to reimburse the Legislature in fiscal year 2001-02 for all costs incurred to pay the per diem and expenses of Legislators and expenses for members who are not otherwise compensated by their employers or other entities that they represent and the costs to print the commission's report; and be it further

Sec. 10. Allocation. Resolved: That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

2001-02

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Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials

Personal Services	\$1,375
All Other	4,300

Provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials and to print the required report.

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TOTAL	\$5,675

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

Effective June 28, 2001.

CHAPTER 66

S.P. 616 - L.D. 1797

Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Attainment

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 State's elementary and secondary students consistently perform at or near the top nationally in standardized tests; and

Whereas, the percentage of the State's students who graduate from high school is at a very high rate of over 85%; and

Whereas, despite their demonstrated abilities and successes, Maine students go on to college at a rate far below the national average; and

Whereas, according to the "2001 Measures of Growth" issued by the Maine Development Foundation, the percentage of Maine residents over 25 years of age with at least a 4-year degree is 24.1%, well below the New England average of 30.8% and the national average of 26.0%; and

Whereas, over recent years a number of worthwhile efforts have been undertaken to increase the educational achievement of Maine students, yet